

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.69987 of 2021**

Arising Out of PS. Case No.-417 Year-2020 Thana- PAHARPUR District- East Champaran

ANIL PRASAD @ LAKSHMAN PRASAD @ ANIL KUMAR PRASAD
Son of Bunilal Prasad Resident of Village- Ekderwa, P.S.- Paharpur, District-
East Champaran at Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.

For the Opposite Party/s : Ms.Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-01-2022 Heard learned counsel for the petitioner and Ms.
Sucheta Yadav, learned APP for the State.

This is the second attempt of the petitioner to obtain regular bail in connection with Paharpur P.S. Case No. 417 of 2020 registered for the offences punishable under Sections 30, 30(a), 33, 34, 36, 41 of Bihar Prohibition and Excise Act. The petitioner has no criminal antecedent.

Earlier the prayer for bail of the petitioner was rejected after noticing the allegation that altogether 5040 liters of spirit have been recovered from the room in the house of the petitioner and the co-accused Sunil Shah and more than 500 liters spirit were allegedly recovered from the house of this petitioner.



Learned counsel for the petitioner submits that while rejecting the prayer for bail of the petitioner, this Court observed that the Court is not inclined to release the petitioner on bail at this stage, however, the petitioner may renew his prayer for bail on completion of one year of custody in connection with the present case.

Learned counsel submits that the petitioner has remained in custody for one year one month and save and except this case the petitioner has no criminal antecedent.

Learned APP for the State has though opposed the prayer for bail of the petitioner, but considering the facts and circumstances of the case, the petitioner has got no criminal antecedent and the earlier observation of this Court in its order dated 05.08.2021 in Cr. Misc. No. 16265 of 2021, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge Excise, East Champaran at Motihari in connection with Paharpur P.S. Case No. 417 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

