

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71017 of 2021

Arising Out of PS. Case No.-292 Year-2021 Thana- BAJPATTI District- Sitamarhi

Shashi Prakash S/O Vikav Rai R/O Village- Bachopatti Narha, Tole- Sonmani
Tole, Ward No. 14, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bajpatti P.S. Case No. 292 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. He is in custody since 07.10.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that four persons are in possession of illicit liquor in Rasalpur. On this information, the informant and other police officials reached there and on seeing the police party, all four persons started



fleeing away but three of them including this petitioner got apprehended. On search total 131.400 liters of illicit liquor was recovered from the jute bag.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the said illicit liquor. The petitioner has remained in custody since 07.10.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is in custody since 07.10.2021, the recovery is not from his conscious possession, he has no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with Bajpatti P.S. Case No. 292 of 2021, subject to the condition 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 steps 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)

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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'.

