

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71405 of 2021**

Arising Out of PS. Case No.-120 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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Nathu Sah Son Of Jhohar Sah R/O Village - Dev Gharva, P.S.- Yogapatti,
District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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**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 learned A.P.P.

for the State.

Petitioner in the present case is seeking regular bail in

connection with Vishambharpur P.S. Case No. 120 of 2021 registered

for the offences punishable under Section 30(a) of Bihar Prohibition

and Excise (Amendment) Act, 2018. He is in custody since

04.10.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the

prosecution story, on secret information the informant intercepted a

motorcycle but the motorcycle rider managed to escape after leaving

the motorcycle and the informant recovered 107.600 liters country

made liquor and in that course the informant received secret



information that one tempo loaded with liquor will be crossing the area then the informant involved in checking of vehicles and noticed a three wheeler tempo coming from the side of Uttar Pradesh from which three persons started escaping after stopping the same at some distance but those persons were apprehended on chase. The apprehended persons disclosed their name as (1) Niranjana Kumar, (2) Nathu Sah (petitioner) and Satish Rao. The informant recovered 81.450 liters of liquor from the tempo bearing registration no. BR 22P-9730 and arrested the apprehended persons.

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 tempo in question and nothing has been recovered from his conscious possession.

Learned counsel submits that presence of the petitioner may be secured in course of trial.

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 04.10.2021, he has otherwise no criminal antecedent, the recovery of liquor is not from his conscious possession and he has no concern with the tempo in question, investigation against him is complete and his presence may also be secured in course of trial, therefore, 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 and Sessions Judge 2nd Gopalganj in connection with Vishambharpur P.S. Case No. 120 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'.

