

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72404 of 2021

Arising Out of PS. Case No.-183 Year-2021 Thana- BAISI District- Purnia

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BISHNU RAY Son of Sripada Roy Resident of Village- Purab Dangapara,
P.S.- Dhupgari, District- Jalpaiguri (West Bengal)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 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. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Baisi P.S. Case No. 183 of 2021 giving rise to Special Case No. 115 of 2021 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and Section 30(a), 41/47 of the Bihar Prohibition and Excise Act, 2016. He is in custody since 28.06.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that a Bolero Pick-up in which wine has been



loaded and going towards Dalkola to Purnea, he reached there and started vehicle checking and when the vehicle came police gave signal to stop the vehicle but the driver of the said vehicle tried to flee away but was caught at the spot and disclosed his name as Bishnu Ram. The informant further alleged that total 728.625 liters of foreign liquor were recovered from the vehicle.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner is the driver of the vehicle and he was not aware that the liquor was loaded in his vehicle, however he is in custody since 28.06.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that petitioner is in custody since 28.06.2021, he has no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, therefore, this court directs release of the petitioner above named 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 Special Judge (Excise), Purnea in connection with Baisi P.S. Case No. 183 of 2021 giving rise to Special Excise Case No.



115 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the bailors shall be resident of the State of Bihar having sufficient means.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

