

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26270 of 2020**

Arising Out of PS. Case No.-53 Year-2020 Thana- HASPURA District- Aurangabad

Raju Kumar S/o Ganesh Prasad Resident of Village- Narsan, P.S.- Haspura,
District- Aurangabad (Bihar), Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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

10-12-2020 Heard learned counsel for the petitioner and Mr.
Satyendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with G.R. No. 240 of 2020 arising out of Haspura P.S. Case No. 53 of 2020 registered for the offences punishable under Sections 30(a)(c)(d) of Bihar Prohibition and Excise Act.

As per prosecution story, on 09.03.2020 Sub-Inspector, who is the informant in this case got information that the petitioner was manufacturing and selling illicit liquor in the Dalaan. The informant along with police force reached there and on search recovered 20 liters of spirit, one iron made packing machine, 560 pouches of country-made liquor each of 200ml, 4kg wrapper and one vehicle. The petitioner was arrested on the spot.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and at the same time two



cases were registered against him. Apart from the present case the petitioner is accused in Madanpur P.S. Case No. 52 of 2020 in which he has already been granted bail. The petitioner has remained in jail in connection with this case since 10.03.2020.

Mr. Satyendra Prasad, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein though the allegation against the petitioner is that from his house 20 liters of spirit and 112 liters country-made liquor were recovered, in view of the submissions that prior to the present case the petitioner had no criminal antecedent and at the same time two cases were registered against him and in one of them being Madanpur P.S. Case No. 52 of 2020 the petitioner has already been granted bail and in connection with this case he has remained in jail since 10.03.2020, the trial is not likely to be concluded in near future and there being no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let 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 Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with G.R. No. 240 of 2020 arising out of Haspura P.S. Case No. 53 of 2020 , subject to the conditions as laid down under Section 437(3) of the



Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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.

The application is 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'.

