

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12858 of 2021**

Arising Out of PS. Case No.-238 Year-2020 Thana- HASANPUR District- Samastipur

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AMBEDKAR KUMAR SON OF DILIP KUMAR @ DILIP KUMAR
MAHTO Resident of Village - Sihi, P.S.- Hasanpur, Dist.- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2021 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 Hasanpur P.S. Case No. 238 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story the informant while on patrolling duty got secret information about illegal liquor trade being done by Aayush Kumar @ Rahul and this petitioner. The informant



along with the police team reached the house of Aayush Kumar @ Rahul. On seeing the police two persons tried to flee away but one of them was caught and disclosed his name Ambedkar Kumar (petitioner). Upon search a total of 186.84 litres illicit liquor was recovered from the bathan of Aayush Kumar @ Rahul.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner rather the recovery of illicit liquor has been made from the bathan of the co-accused Aayush Kumar @ Rahul. Learned counsel submits that the petitioner has got no criminal antecedent and is in custody since 17.10.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the recovery of illicit liquor has been made from the bathan of the co-accused Aayush Kumar @ Rahul, petitioner has been falsely implicated in this case, he has otherwise no criminal antecedent and has remained in jail since 17.10.2020,



investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of 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-II-cum-Special Judge, Excise Act, Samastipur in connection with Hasanpur P.S. Case No. 238 of 2020 arising out of Compute Registration No. 1100 of 2020 subject to the condition as laid down under Section 437 (3) 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 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.

This application stands disposed of accordingly.

(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'.

