

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12891 of 2021**

Arising Out of PS. Case No.-207 Year-2020 Thana- BHAWANIPUR District- Purnia

BITTU KUMAR SINGH Son of Late Krishna Singh R/O- Bhawanipur, P.S.-
Bhawanipur, District - Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the Opposite Party/s : Mr.Damodar Pd. Tiwary, APP

**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 Special Excise Case No. 444 of 2020

arising out of Bhawanipur P.S. Case No. 207/2020 registered

for the offences punishable under Section 272, 273 & 120(B)

of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

As per prosecution story, while the informant and

police party were returning from a raid they saw a truck and

some vehicles and some persons were unloading stone chips



and on seeing police party they started fleeing but they were apprehended with the help of police personnel and disclosed their names, and on search of the truck, 34 cartoons total 418.68 liters of illicit liquors were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is a daily wager and he has no concern with the alleged recovery of illicit liquor, however he 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 and it is the submission of learned counsel for the petitioner from which this court has noticed that the petitioner is said to be a daily wager who was hired by the owner of the truck to unload stone chips from the truck, petitioner has got no concern with the alleged recovery of illicit liquor and those liquors cannot be said to be in conscious possession of the petitioner, petitioner is in custody since 17.10.2020 and investigation against him is complete but the trial is not likely to be concluded in near future, this court directs release of the petitioner 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 Special Judge (Excise), Purnea, in connection with Special Excise Case No. 444 of 2020 arising out of Bhawanipur P.S. Case No. 207/2020, 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.

(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'.

