

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No. 12814 of 2021**

Arising Out of PS. Case No.-147 Year-2020 Thana- PUNAURA District- Sitamarhi

KAUSHAL KUMAR S/o Gajadhar Rai R/o village- Dhanusi, P.S.- Dumra,
Distt.- Sitamarhi

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 14-06-2021 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 Punaura P.S. Case No. 147/2020 registered for the offences punishable under Section 30(A) of the Bihar Prohibition & Excise Act, 2016.

As per first information report, while the informant along with police party were on patrolling duty, he noticed that a Bolero vehicle and one Alto Car were coming. The occupants of both the vehicles started fleeing after seeing the police party, two of them were arrested and disclosed their name. The petitioner disclosed that he was the driver of the Bolero vehicle. On search



618 pieces of English wine of 180 ml. each i.e. 146.880 liters were recovered from the Bolero vehicle and 92 pieces of English wine of 750 ml. each i.e. 69 liters was recovered from the Alto Car.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case just on mere suspicion and he is in custody since 22.10.2020 having no criminal antecedent.

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 vehicles in question do not belong to the petitioner, he has been falsely implicated in this case on mere suspicion when he had gone for a morning walk and further that the petitioner has no criminal antecedent and has remained in custody in connection with this case since 22.10.2020, 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 A.D.J. - II – cum – Special Judge, Excise Act, Sitamarhi in connection with Punaura P.S. Case No. 147/2020, 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'.

