

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13559 of 2021**

Arising Out of PS. Case No.-129 Year-2019 Thana- MORKAHI District- Khagaria

Chhotu Kumar S/o Chandan Kumar Pappu Resident of Village- Alauli, P.S.-
Alauli, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Gulnar Begum,APP

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

2 27-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Gulnar Begum, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Morkahi P.S. Case No. 129 of 2019

registered for the offences punishable under Sections 30(a), 41

of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that from

the house of one Bijay Mahto 42 liters of illicit liquor has been

recovered and one TVS motorcycle was also recovered whose

owner is Chhotu Kumar (this petitioner).

Learned counsel submits that the petitioner is

innocent and has falsely been implicated in the present case. It is submitted that the recovery of illicit liquor is said to have been made from the house of Bijay Mahto who has already been granted anticipatory bail in Cri. Misc. No. 76744 of 2019. The petitioner is in custody since 26.11.2020.

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 it is the submission of learned counsel for the petitioner is that the recovery of illicit liquor is from the house of co-accused Bijay Mahto who has already been granted anticipatory bail in Cri. Misc. No. 76744 of 2019, this petitioner is a student and has remained in jail since 26.11.2020, prior to the present case he had got one criminal antecedent in which he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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 Act, Khagaria in connection with Morkahi P.S. Case No. 129 of 2019, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands 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'.