

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16256 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- MANER District- Patna

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RAHUL KUMAR @ DHIRAJ KUMAR Son of Sri Vijay Kumar Resident of
Village - Usharikhurd, P.S.-Sahpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

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

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

2 30-06-2021 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 Case No. 2107 of 2020 arising out of Maner

P.S. Case No. 116 of 2020 registered for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise Amendment

Act, 2018.

As per prosecution story, the informant alleged that on the

confessional statement of the accused Rahul Kumar of Maner P.S.

Case No. 114 of 2020 a raid was conducted at the house of the

Nanihal of his father and in presence of two independent witnesses

the search was made and 19 bottles of foreign liquor containing 375



ml. each of Imperial Blue was seized beneath the Palang.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing incriminating has been recovered from the possession of the petitioner and he is in custody since 05.10.2020.

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 though all the three cases were registered on the same day and the petitioner had been arrested in Maner P.S. Case No. 114/2020 and was remained in Maner P.S. Case No. 115/2020 but in the present case the police submitted the requisition to remand the petitioner in this case after about eight months, the petitioner has already remained in jail in connection with the present case since 05.10.2020, investigation against him is complete and in Maner P.S. Case No. 114/2020 petitioner has been granted bail, so far as the present case is concerned, this Court directs release of the petitioner above-named 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, Patna, in connection with Special Case No. 2107 of 2020, arising out of Maner P.S. Case No. 116/2020, 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'.

