

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14569 of 2021**

Arising Out of PS. Case No.-151 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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RAJ KUMAR Son of Ramesh Ram, Resident of Village - Tetarpur, P.S.-
Narhi, Distt.- Ballia (Uttar Pradesh)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mohit Shriwastava, Advocate

For the Opposite Party/s : Mr. Ram Bilash Ray Raman, APP

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

2 06-04-2021 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 Official Case No. 151(O)/2020 registered for

the offences punishable under Section 30(a) of the Bihar Excise

and Prohibition Act, 2018.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant on the basis of confidential

information started vehicle checking at Veer Kunwar Singh

check post and in course of checking 198 litres and 720 ml.



illicit English wine (Bombay Special Whiskey) was recovered from a Swift Dzire car and the driver disclosed his name as Raj Kumar and he confessed his guilt before excise officials.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence and he was not aware of the fact that the articles loaded were containing illicit liquor. It is submitted that the petitioner has got no criminal antecedent and he is in custody since 11.12.2020.

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

Having regard to the facts and circumstances of the case, wherein the petitioner has remained in jail for over three months, investigation against him is complete, the petitioner has otherwise no criminal antecedent and there is no submission on behalf of the State that his release at this stage on bail is likely to result in tampering with evidence or interfering with the course of trial, 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 District & Sessions Judge, 2nd cum-Special Judge, Excise, Buxar in connection with Official Case No. 151 (O) 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.

(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'.

