

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16211 of 2021**

Arising Out of PS. Case No.-569 Year-2020 Thana- SHASTRINAGAR District- Patna

RAJESH KUMAR SINGH Son of Poshan Singh Resident of Village - Paroria
(Parodia), P.S.- Ujiarpur, Distt.- Samastipur, at Present Punaichak, Nalapar,
P.s.- Shastrinagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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

3 03-08-2021 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 Shastri Nagar P.S. Case No.569/2020 registered

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

Prohibition and Excise Act, 2016.

As per the prosecution story one Prahlad Jha lodged a

written report to the incharge of Shastri Nagar police station on

14.12.2020 stating therein that on the alleged date of occurrence

he was on patrolling duty and he received a confidential

information that the foreign liquor is being sold at Mohalla Punaichak. It is further alleged that on such information the police reached at quarter no.66/17 and saw that two persons were sitting on a motorcycle in suspicious condition. It is then alleged that on seeing the police party they started fleeing away but one of them was caught and another person succeeded to flee away. It is further alleged that the apprehended person disclosed his name as Rajesh Kumar Singh (petitioner). It is stated that on search of quarter no.66/17, 234.690 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner and the alleged quarter from which the recovery was made does not belong to this petitioner. It is submitted that the petitioner is in custody in connection with this case since 16.12.2020 having no criminal antecedent.

Learned APP 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 this Court has noticed that allegedly 234.690 liters

of illicit liquor was recovered from a quarter which does not belong to this petitioner, the petitioner is in custody in connection with this case since 16.12.2020, he has otherwise no criminal antecedent and the investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing 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.7303/2020, arising out of Shastri Nagar P.S. Case No.569/2020, 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'.