

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16364 of 2021

Arising Out of PS. Case No.-555 Year-2020 Thana- SHASTRINAGAR District- Patna

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SURAJ RAJAK Son of Vitan Rajak Resident of Village - khajpura Maurya
Path, P.S.- Shastrinagar, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-08-2021 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 Mr. Nand
Kishore Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Shastrinagar P.S. Case No. 555 of 2020 for the
offences registered under Section 30(a) and 37(b),(c) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
prosecution story, altogether 79 litres of country made liquor were
recovered from the hut and this petitioner also got apprehended from
the said hut.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has no concern with the alleged seized liquor which has been allegedly recovered from a open hut. The petitioner is in custody since 10.12.2020 having no criminal antecedent. It is further submitted that co-accused Munna Kumar has been granted privilege of bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 17278 of 2021 on 08.07.2021.

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 on behalf of the petitioner that the alleged recovery of 79 liters of illicit liquors have been made from a hut to which the petitioner has no concern, he is in custody since 10.12.2020, investigation against him is complete, he has otherwise no criminal antecedent and co-accused Munna Kumar has been granted privilege of bail in Cr. Misc. No. 17278 of 2021, 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 Patna, in connection with Shastrinagar P.S. Case No. 555 of 2020, 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'.