

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16186 of 2021**

Arising Out of PS. Case No.-69 Year-2020 Thana- PATORI District- Samastipur

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ROHIT KUMAR S/o Dilip Ray R/o village- Uttari Dumari, Mohanpur, P.S.-
Shahpur Patori, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

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

2 25-06-2021 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. Murli Dhar,

learned APP for the State.

The petitioner in the present case is seeking regular bail in

connection with Shahpur Patori P.S. Case No. 69 of 2020 registered for

the offences punishable under Sections 272, 273, 37 of Indian Penal

Code and 30 (a) of Bihar Prohibition Excise Act, 2016.

Learned counsel for the petitioner submits that as per the

prosecution story on secret information a raid was conducted and 240.12

liters of foreign liquor is said to have been recovered from a Scorpio

vehicle and petitioner is said to be the person who fled away along with

two co-accused persons after seeing the police party.

Learned counsel submits that the petitioner is innocent and



has falsely been implicated in the present case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 9.12.2020.

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 that the name of the petitioner has transpired on mere suspicion alleging that he along with co-accused Pawan Kumar Ray and Rahul Kumar had been seen fleeing away from the alleged place, further submission being that co-accused Pawan Kumar Ray and Rahul Kumar have been granted anticipatory bail vide Cr. Misc No. 24479 of 2020 and Cr. Misc. No. 24525 of 2020 respectively, the petitioner has remained in jail in connection with the present case for over six months, investigation against him is complete but the trial is not likely to be taken up in near future and further that in the one criminal antecedent, the prayer for bail of the petitioner is still pending, in these circumstances this Court directs release of the petitioner in the present case 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 Addl. Sessions Judge 2nd -cum- Special Judge (Excise), Samastipur in connection with Shahpur Patori P.S. Case No. 69 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'.

