

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16226 of 2021**

Arising Out of PS. Case No.-44 Year-2019 Thana- MINAPUR District- Muzaffarpur

RAKESH KUMAR @ RAKESH PRASAD Son of Ramshobhit Prasad
Resident of Village - Gosaipur Kharhar Brahmsthan, P.s.- Minapur, Dist.-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 29-06-2021 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.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Minapur P.S. Case No. 44 of 2019 registered for the
offences punishable under Sections 272, 273, 120(b) of the Indian
Penal Code and 30(A), 38, 41 Bihar Prohibition and Excise Act,
2016.

Learned counsel for the petitioner submits that as per the
prosecution story, on secret information the informant along with
police party reached at the place of occurrence where Manoj Kumar,
Rakesh Kumar, Arjun Rai were preparing wine but on seeing the



police party all accused persons fled away. The police searched the place and altogether 3000 liters of illicit wine has been recovered from a drum.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 9.12.2020 having no criminal antecedent.

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 there is no recovery from possession of the petitioner or the house of the petitioner, he has otherwise no criminal antecedent and he is in custody since 09.12.2020, investigation against him is complete but the trial is not likely to be concluded in near future, 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 Special Judge Excise Muzaffarpur in connection with Minapur P.S. Case No. 44 of 2019, 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'.

