

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16208 of 2021**

Arising Out of PS. Case No.-33 Year-2020 Thana- NAYAGAON District- Begusarai

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CHHOTU SINGH @ VIVEKANAND KUMAR @ VIVEKANAND S/o
Ram Bilash Singh R/o Village- Rahatpur, P.S.- Balia, District- Begusarai.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Ashok Kumar, Advocate
For the Opposite Party/s :		Ms.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-08-2021 Heard Mr. N.K. Agrawal, learned Senior Counsel for

the petitioner assisted by Mr. Ashok Kumar, learned counsel

and Ms. Sucheta Yadav, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Nayagaon P.S. Case No. 33 of 2020
registered for the offence under Section 30(a) of Bihar Excise
and Prohibition (Amendment) Act, 2016. He is in custody since
09.11.2020.

Learned Senior Counsel for the petitioner submits that
as per the prosecution story 893.25 liters of illicit liquor have
been recovered at a place situated 100 meters before Pulia near
Dera of the petitioner. It is his submission that the recovery
cannot be said to be from the conscious possession of the
petitioner.

Learned Senior Counsel submits that although the petitioner has got criminal antecedent of seven cases out of which four cases are under the Bihar Prohibition and Excise Act. According to him, the petitioner has been falsely implicated by the police personnel in liquor cases because earlier the petitioner had lodged a complaint against the A.S.P., Balia, Begusarai and the Additional Officer Incharge of the Balia Police Station.

Learned Senior Counsel is, however, unable to show that the said complaint case has proceeded and any order taking cognizance has been passed in the said complaint case on showing of a prima facie case.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that considering the criminal antecedents of the petitioner of similar nature in four cases the petitioner does not deserve privilege of regular bail at this stage.

Having considered the submission of learned Senior Counsel for the petitioner and learned A.P.P. for the State, since the petitioner is in custody only since 09.11.2020, considering the criminal antecedents of similar nature, this Court directs release of the petitioner above-named on bail **on completion of one year of custody** 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 Sessions Judge – II – cum – Special Judge, Excise Act, Begusarai in connection with Nayagaon P.S. Case No. 33 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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)

Rajeev/-

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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'.