

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16431 of 2021**

Arising Out of PS. Case No.-162 Year-2020 Thana- PARIHAR District- Sitamarhi

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RAUSHAN KUMAR @ SANTOSH KUMAR Son of Late Shivji Choudhary
Resident of Village - Mehsaoul Got ,Ward No. 2 (Basbariya Chowk), P.S. -
Sitamarhi, District - Sitamarhi.

... .. Petitioner

Versus

THE STAE OF BIHAR

... .. Opposite Party

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Appearance :

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

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

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

2 04-03-2021 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.

The petitioner in the present case is seeking regular

bail in connection with Parihar P.S. Case No. 162 of 2020

registered for the offences punishable under Sections 30(a),

38(i) (ii) and 41 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this

case. It is further submitted that nothing has been recovered

from the possession of the petitioner and the vehicle in question



from which the illicit liquor was recovered does not belong to this petitioner. Learned counsel submits that the petitioner has got no criminal antecedent and he is languishing in custody since 12.10.2020.

Learned A.P.P. 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, the submission of learned counsel for the petitioner that nothing has been recovered from the possession of the petitioner, the vehicle does not belong to the petitioner and he has got no criminal antecedent as also that he has remained in jail since 12.10.2020, investigation against him is complete, let 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 A.D.J.-II-cum-Special Judge, (Excise Act), Sitamarhi in connection with Parihar P.S. Case No. 162 of 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.

This application stands disposed of accordingly.

(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'.

