

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17420 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- KUTUMBA District- Aurangabad

Ranjan Kumar Yadav S/O Mithlesh Yadav R/O Village- Kawal Tola,
Junghbal, P.S.- Chhatarpur, District- Palamu (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2021 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. B.N. Pandey, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kutumba P.S. Case No. 191 of 2020 registered for the offences punishable under Section 467 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, the petitioner is alleged to have been arrested with tempo from which 181.50 liters of illicit liquors have been recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that petitioner is not the owner of the articles loaded on his tempo rather the passenger who loaded the goods managed to escape on seeing the police. The petitioner is in custody since 30.11.2020 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 and that the petitioner is in custody for more than four months, he has otherwise no criminal antecedent, investigation against him is complete and there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the above-named petitioner 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 Additional District and Sessions Judge, II-cum-Special Judge (Excise), Aurangabad, Bihar in connection with Kutumba P.S. Case No. 191 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.

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'.

