

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17989 of 2021**

Arising Out of PS. Case No.-349 Year-2020 Thana- BIBHUTIPUR District- Samastipur

BAIDHYANATH KUMAR Son of Late Shyam Shundar Sharma Resident of
Alampur Kodariya, Ward No.2, P.S.- Vibhutipur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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

2 13-07-2021 At the outset, learned counsel for the petitioner seeks permission to delete the statement made in paragraph '5' of the present application wherein it is wrongly stated that the petitioner is in custody since 12.09.2020. Prayer is allowed.

Paragraph '5' stands expunged.

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.

Petitioner in the present case is seeking regular bail in connection with Vibhutipur P.S. Case No. 349/2020 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and 30(a) of Bihar Prohibition & Excise Act.



As per the prosecution story, while the informant got secret information that some traders of illicit liquor are distrubuting liquor among themselves near Chochahi railway line in Bharpura, the police party reached at the place of occurrence and seen that one silver colour Renault Kwid car was found standing there and on seeing police party 3-4 persons started to flee away and on chase one of them namely Baidhyanath Kumar (the petitioner) was apprehended and rest of the accused persons fled away. It is alleged that from the car total 189.00 liters and from the bushes near the car total 396 liters of Indian made foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is said to be the owner of the car from which illicit liquor has been recovered, however he is in custody since 06.12.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the owner of the Car from which illicit liquor has been allegedly recovered, he has no criminal antecedent and has remained in jail in connection with



this case since 06.12.2020, investigation against him is complete but the trial is not likely to be taken place in near future, this Court directs release of the petitioner above named on bail 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 - 2nd – cum – Special Judge, Excise, Samastipur, in connection with Vibhutipur P.S. Case No. 349/2020, 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.

(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'.

