

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18065 of 2021**

Arising Out of PS. Case No.-240 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

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MANISH JAT SON OF RAM SARAN JAT R/O VILLAGE- NARWANA
NEW STAND GALI-2 HOUSE NO.413, P.S.-NARWANA, DISTRICT JIND,
HARIYANA (HR).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-07-2021 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.

Petitioner in the present case is seeking regular bail in connection with Kuchaikote P.S. Case No. 240 of 2020 registered for the offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code and Section 30(a) of the Bihar Excise and Prohibition Act, 2016.

As per the prosecution story, the informant was on patrolling duty at Balthari Check Post. The informant indicated a truck to stop but the driver (petitioner) tried to flee away but



was eventually apprehended and when the said truck was searched total 2920.320 litre illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is the driver of the truck and he has no concern with the alleged recovery and nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is in custody since 28.06.2020 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 driver of the vehicle in question from which alleged illicit liquor has been recovered, he is in custody in connection with this case for more than one year, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise no criminal antecedent, thus this Court directs release of the petitioner on bail, let the petitioner above named be released 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 District and Sessions Judge-II-



cum Special Judge (Excise Act), Gopalganj in connection with Kuchaikote P.S. Case No. 240 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.

Further condition that one of the bailors shall be a local resident within the jurisdiction of the learned court below



having sufficient means.

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’.

