

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18581 of 2021**

Arising Out of PS. Case No.-225 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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KISHOR KUMAR SON OF NIRANJAN ROY @ NIRANJAY RAY @
NIRANJAN MANDAL RESIDENT OF VILLAGE KADWABASA
SAKHUWA TOLA, P.S. BHAWANIPUR, DISTRICT PURNEA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-07-2021 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.

Jagdhar Prasad, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with CI No. 225 of 2020 for the offences

registered under Section 30(A) of Bihar Prohibition and Excise

Act.

Learned counsel for the petitioner submits that as per

the prosecution story, during vehicle checking the Excise

Officials recovered 216 liters of illicit liquor from a Tata Safari

Vehicle and arrested the petitioner who was allegedly driving

the vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is the driver of the vehicle and was driving the same on the instruction of the owner and he has no knowledge about the liquor loaded in the vehicle. The petitioner is in custody since 10.12.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for 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, he has no criminal antecedent and is in custody in connection with this case since 10.12.2020, this Court directs release of the petitioner above-named on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with CI No. 225 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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'.