

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18565 of 2021**

Arising Out of PS. Case No.-516 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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RAUSHAN KUMAR SON OF GARIB NATH SINGH R/O VILLAGE-
MOHALLA-ORIENT CLUB, AAMGOLA, P.S- KAZI MOHAMMADPUR,
DIST- MUZAFFARPUR

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate

For the Opposite Party/s : Mr. Iftekhhar Mahmood, 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.
Iftekhhar Mahmood, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kazi Mohammadpur P.S. Case No. 516
of 2019 for the offences registered under Section 30(A), 37(b),
37(c) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story the informant got a secret informant that
Santosh Pandit has brought and kept foreign liquor at his house

with the help of his friend Raushan Kumar (petitioner). He further stated that when he reached there on seeing police two people started fleeing away. One of them got apprehended and disclosed his name as Santosh Pandit and also said that the one who fled away was Raushan Kumar (petitioner). On search total 88 litres 600 ml foreign liquor have been recovered from the house of Santosh Pandit.

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 alleged recovery of illicit liquor was made from the house of co-accused Santosh Pandit. The petitioner is in custody since 24.11.2020.

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 it is the submission of learned counsel for the petitioner that the alleged recovery of illicit liquor was made from the house of the co-accused and not from this petitioner, the said co-accused Santosh Pandit has already been granted bail, the petitioner is in custody since 24.11.2020 and in the two cases stated in paragraph-3 of the application he is said to be on bail in one case and, however, learned counsel for the petitioner

is not aware about the other case whether the petitioner is on bail or not, so far as the present case is concerned 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 Court of Special Judge Excise Act, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 516 of 2019, 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'.