

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18632 of 2021**

Arising Out of PS. Case No.-487 Year-2020 Thana- SHEKHPURA District- Sheikhpura

BILTAN KUMAR Son of Late Rajjan Mahto Resident of Village - Nimi, P.S.-
Sheikhopur Sarai, District - Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Adv.

For the Opposite Party/s : Dr. Mritunjaya Kumar Gautam, APP

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

2 30-07-2021 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 Excise Case No.304/2020 arising out of

Shekhpura P.S. Case No.487/2020 registered for the offences

punishable under Sections 272 and 273 of the Indian Penal Code

and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case in short is that the informant

who is ASI of Kusumbha O.P. submitted a written report

alleging therein that on 17.11.2020 at 1.30 am in the night when

he was on patrolling duty with other police personnel he received a secret information that a car of silver colour with contraband article is coming from village Shahpur. It is alleged that on receiving this information the informant reached at the given place and saw that one car is coming which was stopped and two persons were seen fleeing away. It is stated that on chase one person was apprehended who disclosed his name as Biltan Kumar (petitioner). On search from the car total 97 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is neither owner nor driver of the vehicle and he has no concern with the alleged recovery. It is submitted that the petitioner is in custody in connection with this case since 17.11.2020 and he has otherwise no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is neither owner nor driver of the vehicle from which the illicit liquor was recovered, he is in custody in connection with this case since 17.11.2020, he has

otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released 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 Chief Judicial Magistrate, Shekhpura in connection with Excise Case No.304/2020 arising out of Shekhpura P.S. Case No.487/2020, 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)

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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'.