

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19478 of 2021**

Arising Out of PS. Case No.-362 Year-2018 Thana- PARSABAZAR District- Patna

BINAY KUMAR S/o Late Ram Briksha Singh R/o village- Salarpur, P.S.-
Parsa Bazar, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 23-07-2021 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. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Parsa Bazaar P.S. Case No. 362 of 2018 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, on receiving a secret information the informant along with police party proceeded to Vijay Laxmi Chak as soon as they reached there the accused persons started fleeing away but on chase one person was apprehended who disclosed his name as Manoj Kumar. When the search was made total 2070 liters of illicit liquor



were recovered from the water tank of co-accused Rakesh Kumar.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case. It is further submitted that the illicit liquor is alleged to have been recovered from the water tank of the co-accused Rakesh Kumar. The petitioner is in custody since 04.12.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the illicit liquors are said to have been recovered from the godawn of co-accused Rakesh Kumar, the petitioner has no criminal antecedent and he is languishing in jail since 4.12.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail 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, Patna in connection with Parsa Bazar P.S. Case No. 362 of 2018, 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'.

