

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21132 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- BARHARA District- Bhojpur

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RAHUL SINGH SON OF GANESH SINGH R/O VILLAGE- EKAWNA,
P.S.- BARHARA, DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-08-2021 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.142/2021 arising out of Barhara P.S. Case No.40/2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story in short is that on 18.01.2021 the informant on the basis of the secret information reached at the Semaria Road and in course of checking of vehicle he

intercepted one motorcycle. On interrogation the motorcycle rider disclosed his name as Rahul Singh (petitioner). It is further alleged that on search from the motorcycle total 51.84 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 due to ulterior motive. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 19.01.2021 having 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 51.84 liters of illicit liquor is alleged to have been recovered from the motorcycle in question, the petitioner is in custody in connection with this case since 19.01.2021, he has 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 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No.113/2021 arising out of Barhara P.S. Case No.40 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.