

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20984 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- PIPRA District- Patna

BITTU KUMAR Son of Shivnarayan Prasad Resident of Village - Behrawan
Chakiya, P.S. Pipra, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1,Advocate

For the Opposite Party/s : Ms.Asha Devi,APP

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

2 09-07-2021 Heard learned counsel for the petitioner and Ms.
Asha Devi, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pipara P.S. Case No. 93 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that allegedly the petitioner was apprehended while he was driving the tempo and from the said tempo the informant recovered 180 liters of Mahua liquor.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not aware regarding the loaded liquor in the said tempo and the petitioner was running the



tempo on hire basis. It is further submitted that the petitioner is in custody since 27.12.2020 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 this petitioner is said to be the driver of the vehicle from which mahua liquor has been recovered, he has no criminal antecedent and has remained in custody since 27.12.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner on bail on furnishing of bail bond 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 Special Case No.7617 of 2020 arising out of Pipara P.S. Case No. 93 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'.

