

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22627 of 2021**

Arising Out of PS. Case No.-325 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Abhijeet Kumar Ojha, Son of Mr. Birendra Kumar Ojha R/O Village- Kataro
Dih, Chhap, P.S.- Paru, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Navendu Kumar, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, A.P.P.

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

2 17-08-2021 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 Mr.
Rajesh Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Kazi Mohammadpur P.S. Case No. 325 of 2020

registered for the offence punishable under Section 414 and 34

of the Indian Penal Code 30(a) of Bihar Prohibition and Excise

Act, 2016.

Learned counsel for the petitioner submits that the

informant spotted the motorcycle of the petitioner in standing

condition and recovered 1.620 litres of illicit liquor.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in jail since 22.11.2020.

Mr. Rajesh Kumar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that on the motorcycle bearing no. BR06 BM5581 which belongs to the petitioner allegedly 1.620 litres of illicit liquor has been shown recovered, the petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case since 22.11.2020, in the circumstances, this Court directs release of the petitioner above named 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 Special Judge, Excise, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 325 of 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)

vats/-

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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'.