

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22620 of 2021**

Arising Out of PS. Case No.-495 Year-2020 Thana- AKBARPUR District- Nawada

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RISHI KUMAR @ RISHI RAJ KUMAR, Son of Uday Narayan Singh,
Resident of Village - Nathanpura, P.S.- Nawada (Kadirganj O.P.), Distt.-
Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, 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.
Rajendra Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Akbarpur P.S. Case No. 495 of 2020 registered for
the offence punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

Learned counsel for the petitioner submits that on secret
information the informant intercepted a Sumo Victa vehicle and it
is stated that the persons boarded in the vehicle managed to escape
taking advantage of the darkness. It is alleged that from the said

vehicle 1427 pieces cane bear total 713 litres and 500 Ml. have been recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the vehicle from which the alleged recovery of cane bear have been made. He is in custody since 23.12.2020.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has no concern with the Sumo Victa vehicle from which 713 litres and 500 Ml. of cane bear have been recovered, the petitioner has got two criminal antecedents and he is on bail in both the cases, in the present case he is in custody since 23.12.2020, 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 Additional District and Sessions Judge- 2nd-cum-Special Judge, Nawada in connection with Akbarpur P.S. Case No. 495 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'.