

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23804 of 2021**

Arising Out of PS. Case No.-35 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

ANIL KUMAR @ ANIL S/O CHAND RAM @ CHANDRAM R/O
KAKANA BAHADARI (5T), P.S. GUHANA, DISTRICT-SONIPAT
(HARYANA).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Adv.

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

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

2 24-09-2021 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. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kuchaikote P.S. Case No.35/2021 registered for the offences punishable under Sections 120(b)/420 of the Indian Penal Code and Sections 30(a), 26 and 41(1) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 21.01.2021. The petitioner has got no criminal history.

As per the prosecution story, the S.H.O. of Kuchaikote police station submitted a self-written report

alleging therein that on 19.01.2021 during course of vehicle checking at Balthari Check Post at about 17.30 hours an ambulance was stopped for checking. It is alleged that on seeing the police party two persons from the ambulance were trying to flee away but on chase they were apprehended. It is further alleged that on interrogation they disclosed their name as Sandeep and Sanjay. In presence of independent witnesses the ambulance was searched and 483.780 liters of country made foreign liquor was recovered. The apprehended persons disclosed the name of the petitioner also as their associate.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner has not been arrested on the spot and nothing incriminating has been recovered from the conscious possession of the petitioner.

Learned counsel submits that the name of the petitioner has transpired in the statement of the co-accused Sandeep and Sanjay who have already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.20214/2021.

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 it is the submission of learned counsel for the petitioner that the petitioner has not been arrested on the spot, his name has transpired in the statement of the co-accused namely, Sandeep and Sanjay who were arrested and they have already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.20214/2021, the petitioner who has otherwise no criminal antecedent is in custody since 21.01.2021, 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No.35/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the bailors would be a resident of State of Bihar having sufficient immovable property.

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'.