

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22588 of 2021**

Arising Out of PS. Case No.-311 Year-2020 Thana- KALYANPUR District- Samastipur

CHHOTU KUMAR @ CHOTU KUMAR Son of Digambar Ray @
Digambar Prasad Resident of Village- Malipur, P.S.- Kalyanpur, District-
Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

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

**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 Kalyanpur P.S. Case No. 311 of 2020

registered for the offences punishable under Section 30(a), 41(i)

of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, while the informant got

secret information that one motorcycle and one car were coming

from Kalyanpur chowk and loaded with illegal liquor, thereafter

the informant reached at the place and on seeing police party the

accused persons tried to flee away but on chase police

apprehended this petitioner and other co-accused. On search total 90 liters 810 ml. of country made liquor were recovered from the vehicles.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner has no concern with the alleged recovery made from the car, nothing incriminating articles has been recovered from his possession and he is in custody in connection with this case since 24.12.2020 having no criminal antecedent.

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 only 19 liters of illicit liquor has been recovered from the possession of the petitioner, petitioner is in custody in connection with this case since 24.12.2020 having no criminal antecedent, investigation against him is complete, but the trial is not likely to take place in near future, this court directs release of the petitioner above named 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 Additional Sessions Judge – II – cum – Special Judge, Excise

Act, Samastipur in connection with Kalyanpur P.S. Case No. 311 of 2020, 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)

Rajeev/-

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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'.