

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22694 of 2021**

Arising Out of PS. Case No.-319 Year-2019 Thana- BIBHUTIPUR District- Samastipur

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Raja Kumar Son Of Nunu Yadav R/O Village- Sirsi, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bibhutipur/Vibhutipur P.S. Case No. 319 of 2019 registered for the offence punishable under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that on secret information the police party raided the straw house situated behind the house of the petitioner and from there 318.600 liters of foreign liquors were recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the said straw house from where the alleged liquor was recovered does not belong to the petitioner. The petitioner has remained in custody since 06.01.2021 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 it is the allegation that 318.600 liters of foreign liquor has been recovered from a straw house situated behind the house of the petitioner, the submission of the petitioner that the said straw house does not belong to him, he has otherwise no criminal antecedent and has remained in jail in connection with the present case for 3 months, investigation against him is complete and he is ready to abide by such terms and conditions which may be imposed upon him for purpose of securing his appearance in the course of trial, this Court directs release of the petitioner 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, Samastipur in connection with Bibhutipur/Vibhutipur P.S. Case No. 319 of 2019, 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 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.

The application stands disposed of.

(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'.

