

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23589 of 2021**

Arising Out of PS. Case No.-63 Year-2020 Thana- MANER District- Patna

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GOLU KUMAR SON OF CHANDRA BHUSHAN SINGH R/O - NAGA
TOLA GORAIYA ASHTHAN, P.S.- MANER, DISTRICT- PATNA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chourasiya, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-09-2021 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.
Pawan Kumar Chourasiya, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Special Case No. 1258 of 2020 arising out of

Maner P.S. Case No. 63 of 2020 registered for the offences

punishable under Section 30(A) of the Bihar Prohibition and

Excise Act, 2016.

As per the prosecution story, the informant got secret

information that in Goraiya village a consignment of liquor is

being unloaded. The police party reached there and on seeing

the police party some persons tried to flee away but two of them

(driver and khalasi of the truck) were apprehended and accordingly the seizure was made.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on confessional statement of the driver of the truck. It is further submitted that the said driver has already been granted bail. The petitioner was not arrested from the spot and nothing has been recovered from his conscious possession. Learned counsel submits that the petitioner has got no criminal antecedent and is in custody since 23.01.2021.

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 name of the petitioner has transpired in the confessional statement of the co-accused who is the driver of the vehicle and was arrested on the spot, he has already been granted bail, there is no recovery from possession of the petitioner and the petitioner has got no criminal antecedent but has remained in jail in connection with this case since 23.01.2021, investigation against him is complete, in the circumstances let the petitioner above named be released 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 Special Judge, Excise Act, Patna in connection with Special Case No. 1258 of 2020 arising out of Maner P.S. Case No. 63 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.

This application stands disposed of accordingly.

(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'.