

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23759 of 2021**

Arising Out of PS. Case No.-1 Year-2021 Thana- LALGANJ District- Vaishali

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Krishna Kumar Singh @ Khelari Singh, Son Of Kapildeo Singh Resident Of
Village- Namidih, P.S. Lalganj, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Satyendra Prasad, APP

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

2 21-09-2021 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.
Satyendra Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Lalganj P.S. Case No. 01 of 2021 registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition & Excise Act, 2018. He is in custody since
03.01.2021 having no criminal antecedent.

As per the prosecution story, while the informant
along with police personnel were checking the vehicle, the
informant received secret information that one Jitu Kumar and
Krishna Kumar @ Khelari Singh (the petitioner) have stored the

consignment of liquor and selling the same. The informant alleged that when he reached there at mango orchard, seeing the police party the accused persons fled away from the orchard taking the benefit of distance and darkness. On search, total 96.615 liters of liquor of different brands were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the alleged recovery of 96.615 liters of illicit liquor has been made from the mango orchard of the co-accused and not from the possession of the petitioner, however petitioner is in custody since 03.01.2021 having no criminal antecedent.

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 alleged recovery of 96.615 liters of illicit liquor has been made from the mango orchard of the co-accused and not from the possession of the petitioner, petitioner has got no criminal antecedent and has remained in custody in connection with this case since 03.01.2021, 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 – Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 01 of 2021, 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'.