

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23747 of 2021**

Arising Out of PS. Case No.-662 Year-2020 Thana- KUDHNI District- Muzaffarpur

Ajeet Kumar, Son of Hari Singh, Resident of Village Sakari Sariya, P.S.
Kudhani, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

**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. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kudhani P.S. Case No. 662 of 2020 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, while the informant was on patrolling duty he got an information that some persons have unloaded wine and had kept the same at the Bathan of Amlesh Kumar situated at Noon river. On getting this information, the

informant along with Police personnel reached there and recovered 99 litres of illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that alleged recovery of 99 litres of illicit liquor has been made from the Bathan of the co-accused Amlesh Kumar.

Learned counsel submits that the name of the petitioner has been brought on mere suspicion. The petitioner has otherwise no criminal antecedent. He is in custody in connection with this case since 08.12.2020.

Mr. Akhileshwar Dayal, 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 alleged recovery of 99 litres of illicit liquor has been made from the Bathan of the co-accused Amlesh Kumar, the submission is that the name of the petitioner has been brought on mere suspicion, the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 08.12.2020, in the circumstances, this Court directs release of the petitioner above named 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, Muzaffarpur in connection with Kudhani P.S. Case No. 662 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)

vats/-

U		T	
---	--	---	--

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'.