

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23731 of 2021

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

MANISH KUMAR Son of Sita Ram Yadav @ Baba Residence of Village-
Kodarkatta, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 25-10-2021 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 Mr. Vikram Deo Singh, learned counsel for the petitioner and Mr. Satya Nand Shukla, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bibhutipur P.S. Case No. 285 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code, Section 30(a) of Bihar Prohibition and Excise Act, 2016 and Section 25(1-b)a/26/35 of the Arms Act. The petitioner is in custody since 11.01.2021. From the supplementary affidavit filed on behalf of the petitioner, it appears that he has one criminal antecedent and that case was lodged about 7 days prior to the present case.

From the prosecution story, it appears that huge quantity of liquors were seized by police and from the vehicle in question, three persons were arrested. Confessional statements were recorded



and in the confessional statement of co-accused Sanjay Kumar Bharti name of two other persons, namely, Nirranjan Kumar and Sunil Kumar came. He also disclosed that the liquor, the vehicles and the bullets were brought to him by one Bideo Rai with the help of Baba of Dalkola (Bengal). This petitioner is not named in the FIR, he was not arrested on the spot and the submission is that he has been falsely implicated in this case because he happens to be the son of the co-accused Baba whose confessional statement has also been recorded in police custody.

Learned counsel for the petitioner submits that the petitioner has remained in custody for about 10 months, investigation against him is complete and at this stage, the trial is not likely to commence, thus, the petitioner may be released on bail.

Mr. Satya Nand Shukla, learned APP for the State has though opposed the prayer for regular bail of the petitioner but on query made by this Court, learned APP has categorically stated that in the case diary there is no specific material against this petitioner.

Considering the facts and circumstances, the nature of allegation being that of recovery of liquor and bullets from the possession of co-accused Sanjay Kumar Bharti, the petitioner was, however, not present when the police intercepted the vehicle, his name has not come in the statement of said Sanjay Kumar Bharti rather the name of his father has come as a person who had provided help to one Bideo Rai from whom the said co-accused has allegedly



received the liquors and the bullets, further having noticed that no material has come in the case diary against this petitioner so as to require his further incarceration in the custody, 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 A.D.J.-cum-Special Judge, Excise, Samastipur in connection with Bibhutipur P.S. Case No. 285 of 2020, subject to the conditions 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.

The application stands allowed.

(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'.

