

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25440 of 2021**

Arising Out of PS. Case No.-24 Year-2020 Thana- MORKAHI District- Khagaria

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RITU RAJ KUMAR Son of Indrajeet Kumar Resident of Village - Morkahi,
Mahsaurhi, Ward No.- 2, P.S.- Khagaria (Muffasil), District - Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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

2 24-09-2021 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. Uday
Chand Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Morkahi P.S. Case No. 24 of 2020, G.R. No.

717 of 2020 registered for the offences punishable under Section

30(a) of the Bihar Prohibition and Excise Act. He is in custody

since 07.01.2021 and has got no criminal antecedent.

As per the prosecution story, the informant on a secret

information reached Sonmankhi Bridge and saw three persons

on three motorcycles fleeing away towards maize field after

dropping jute bag. When the bag was opened total 75 litres foreign liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. Learned counsel submits that nothing has been recovered from his conscious possession and the seizure list has not been signed by independent witnesses.

Mr. Uday Chand Prasad, 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 he was not apprehended on the spot, he is also not named in the F.I.R. and his name has transpired as owner of the motorcycle but the fact was that the petitioner was not driving the said motorcycle and the seizure list showing recovery of 75 litres of foreign liquor has not been signed by independent witnesses, the petitioner is in custody since 07.01.2021 and has got no criminal antecedent, 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, Khagaria in connection with Morkahi P.S. Case No. 24 of 2020, G.R. No. 717 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'.