

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25402 of 2021**

Arising Out of PS. Case No.-45 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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RAHUL KUMAR SON OF LATE SHIVNANDAN PASWAN RESIDENT
OF VILLAGE- KEHURI, P.S.- GURUA, DIST.-GAYA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, 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 Ms. Sucheta Yadav, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Excise Case No. 45 of 2021 registered for the offences punishable under Sections 30(a) and 56(b) of Bihar Prohibition and Excise Act, 2018. He is in custody since 28.01.2021 and is having no criminal antecedent.

As per the prosecution story, the informant on a secret information started checking vehicles on Gurua Mathurapur Road. A Tata Indica car was stopped and when the car was

searched, total 180 litres wine in four gallon was recovered and the petitioner was arrested.

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 neither the driver nor the owner of the vehicle from which the liquor has been recovered. Learned counsel submits that the petitioner was not arrested on the spot.

Ms. Sucheta Yadav, 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 recovery of 180 litres of wine is from a Tata Indica car which does not belong to the petitioner, the co-accused Prince Kumar is the driver of the said vehicle and the petitioner who is not having any criminal antecedent is in custody since 28.01.2021, 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 Additional Sessions Judge-II-cum-Special Judge (Excise Act), Gaya in connection with Excise Case No. 45 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.

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'.