

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28411 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- MADANPUR District- Aurangabad

RAKESH SINGH, S/O Krishna Singh, Resident of Village - Ishapur, P.S.
Madanpur, District - Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

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

2 22-10-2021 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 Senior 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 Madanpur P.S. Case No. 150 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 18.01.2021. Petitioner has got three criminal antecedent as stated in paragraph '3'.

As per the prosecution story, while the informant was involved in night patrolling duty on getting secret information



reached near the house of co-accused Mahendra Yadav where on seeing the Police some persons started fleeing and managed to escape. It is alleged that the informant recovered 350 litres of spirit from the vehicle standing near the house of Mahendra Yadav.

Learned Senior Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized vehicle and he is in custody since 18.01.2021.

Mr. Satyendra Prasad, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned Senior Counsel for the petitioner that the recovery is from near the house of co-accused Mahendra Yadav, the petitioner is said to be present there when the Police party raided the said place, however, the petitioner who has got altogether three criminal antecedent but is said to be on bail in all the cases and that includes two cases under the Excise Act, he has remained in custody in connection with this case since 18.01.2021, investigation against him is complete, 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad in connection with Madanpur P.S. Case No. 150 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/-

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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'.

