

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28499 of 2021

Arising Out of PS. Case No.-247 Year-2019 Thana- SIMRI District- Buxar

Sri Kant Kumar Yadav S/O Lal Bahadur Yadav R/O Village- Niyajipur
Tisariya Ke Dera, P.S.- Simari, Distt.- Buxar

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Tushar Vaibhav,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 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 learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Simari (R.D.R.O.P) P.S. Case No. 247 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act 2018. The petitioner is in custody since 01.02.2021. He has no criminal antecedent.

As per the prosecution story, the informant along with other police personnel while on patrolling duty searched the vehicle in question and total 157.680 liters of illicit liquor was recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not arrested on the spot rather his name has transpired in course of investigation. The petitioner is in custody since 01.02.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of the petitioner has transpired during course of investigation as owner of the vehicle and was not arrested on the spot, he was not present in the vehicle, he has got no criminal antecedent, he is in custody since 01.02.2021, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Buxar in connection with Simari (R.D.R.O.P) P.S. Case No. 247 of 2019, 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'.

