

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28465 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- RAJAON District- Banka

BITTU KUMAR Son of Sita Ram Raut Resident of Village- Lalpur, Police station - Godda, District - Godda (Jharkhand).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, 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 within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Rajoun P.S. Case No. 36 of 2021 registered for the offences punishable under Section 30(a), 32(2) of Bihar Prohibition and Excise Act. He is in custody since 28.01.2021. Petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was on night patrolling duty intercepted a tempo on secret information from which one person managed to escape and the driver (petitioner) was apprehended and from the tempo 84 liters illicit liquor were



recovered. The informant further alleged that in the meantime the informant got further information regarding involvement of Pankaj Yadav in selling of illicit liquor then the informant raided the house of said Pankaj Yadav and recovered illicit liquor from there also.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. It is submitted that nothing has been recovered from conscious possession of the petitioner, the petitioner has no knowledge about the articles loaded in the vehicle in question and simply he was driving the tempo on remuneration. The petitioner is in custody since 28.01.2021 having no criminal antecedent.

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 the submission of learned counsel for the petitioner that the petitioner is said to be the driver of the vehicle in question from which 84 liters of illicit liquor has been recovered, he is in custody since 28.01.2021, he has otherwise no criminal antecedent, investigation against him is complete and 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/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge, Banka in connection with Rajoun P.S. Case No. 36 of 2021, subject to the conditions as laid down under Section 437(3) of the 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)

Rajeev/-

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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'.

