

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30862 of 2021**

Arising Out of PS. Case No.-725 Year-2020 Thana- SITAMARHI District- Sitamarhi

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RANJAN KUMAR @ RAJAN KUMAR SINGH, Son of Krishnandan Singh,
Resident of Village- Bathanaha, Ward No.-2, P.S.- Bathanaha, District-
Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

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

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

2 28-10-2021 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.

Let the supplementary affidavit filed on behalf of the
petitioner be taken on record.

The petitioner in the present case is seeking regular
bail in connection with Sitamarhi P.S. Case No. 725 of 2020
registered for the offences punishable under Section 414, 420
and 120(B) of the Indian Penal Code and Section 30(a), 36 and
41(1) of the Bihar Prohibition and Excise Act, 2016. He is in
custody since 18.01.2021. The petitioner has got one criminal



antecedent as stated in supplementary affidavit.

As per the prosecution story, the informant got information from the Excise Officials regarding arrival of illicit liquor consignment. The informant proceeded towards the given place for verification and on way near village Mohanpur he noticed some persons with cars and motorcycles. The informant reached to them then they started fleeing but the Police caught eight persons mentioned in the self statement of the informant and on search the informant recovered altogether 206.280 litres illicit liquors from the cars and motorcycles. It is further alleged that the apprehended accused persons disclosed the name of other persons involved in the trade of illicit liquor in which the name of the petitioner has also transpired.

Learned counsel for the petitioner submits that the petitioner has not been identified at the spot and nothing has been recovered from his conscious possession. It is submitted that his name has transpired in the confessional statement of co-accused. The petitioner is in custody since 18.01.2021 and he is accused in one case in which he is on bail.

It is further submitted that the petitioner has no concern with the cars and the motorcycles from which the alleged recovery has been made.



Mr. Md. Fahimuddin, 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 submission of learned counsel for the petitioner that the petitioner has not been arrested on the spot and it is specifically stated that recovery has been made from the motorcycles as well as the cars with which he has no concern, his name has transpired in the confessional statement of the co-accused, he has got one criminal antecedent as stated in the supplementary affidavit, he is in custody since 18.01.2021, 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 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, Sitamarhi in connection with Sitamarhi P.S. Case No. 725 of 2020, 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'.

