

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30881 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

AJAY BIND Son of Mewa Bind Resident of Village - Balipur, P.S.- Kudra,
District - Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr.Bal Mukund Pd. Sinha,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2021 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 Bal Mukund Pd. Sinha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kudra P.S. Case No. 205 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018. He is in custody since 18.01.2021 having three criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on telephonic information regarding illegal trade of country made liquor, he reached with other constables as well as local Chowkidar and on seeing the police party some persons



tried to flee away and out of them three persons were identified by the local Chowkidar who were involved in trade of illegal liquor. The informant further alleged that he recovered country made wine, gas stove, three empty plastic gallon and gas cylinder on the bank of Durgawati river and on search of the alleged place also illegal country made wine were recovered and seized accordingly.

Learned counsel for the petitioner submits that petitioner has been falsely implicated, the alleged recovery of country made wine and under articles are from the bank of Durgawati river and petitioner has no concern with the same, however he is in custody since 18.01.2021.

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 alleged recovery of country made wine and other articles are from the bank of Durgawati river and petitioner has no concern with the same, he has been dragged in three cases of similar nature on the basis of the statement of the Chowkidar that he had identified the petitioner while fleeing away, however it is a case of false implication at the instance of



Chowkidar due to local rivalry and there is no independent eye witness, moreover the petitioner has remained in custody for more than nine months, in the circumstances, this Court directs release of the petitioner above-named 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 Special Judge, Excise, Kaimur at Bhabua in connection with Kudra P.S. Case No. 205 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)

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'.

