

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3471 of 2021**

Arising Out of PS. Case No.-91 Year-2020 Thana- CHAKAI District- Jamui

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BABLU KUMAR S/o Punit Mahto Resident of Village- Kewta, Ward No.7,
P.S.- Dalsingsarai, District- Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Prem Prakash Poddar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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

2 09-04-2021 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 Mr.
Kalyan Shankar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Chakai P.S. Case No. 91 of 2020 registered for
the offence punishable under Section 30(a), 41 of Bihar
Prohibition and Excise Act, 2016 and Section 272, 273 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is alleged to have been arrested while he was driving
the Pick-up Bolero vehicle from which 504 litres of illicit
liquour has been recovered.

Learned counsel submits that the petitioner is



innocent and has falsely been implicated in this case. It is submitted that the petitioner is Khalasi of the vehicle in question and petitioner had no knowledge about the liquor loaded on the vehicle. The petitioner is in custody since 01.05.2020 and prior to the present case he had 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 it is the submission of learned counsel for the petitioner that the petitioner is the Khalasi of the vehicle and prior to the present case he had no criminal antecedent, in connection with the present case he has remained in jail for almost 11 months, investigation against him is complete and if released on bail he is ready to abide by such terms and conditions which may be imposed by this Court, let the petitioner above named be released 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 Additional District Judge-II-um-Special Judge, Excise Act, Jamui in connection with Chakai P.S. Case No. 91 of 2020 , subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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)

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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'.

