

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49235 of 2021**

Arising Out of PS. Case No.-53 Year-2020 Thana- HASPURA District- Aurangabad

Raju Kumar, S/O Ganesh Prasad, R/O Village-Narsan, P.S-Haspura, District-
Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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

2 17-11-2021 Heard learned counsel for the petitioner and Mr. Ajay
Kumar Jha, learned A.P.P. for the State.

This application has been filed for grant of regular
bail to the petitioner in connection with Haspura P.S. Case No.
53 of 2020 registered for the offence under Section 30(a)(c)(d) of
the Bihar Prohibition & Excise Amendment Act, 2018.
Petitioner is in custody since 10.03.2020.

Earlier the petitioner had moved this Court in Cr.
Misc. No. 26270/2020 which was allowed by this Court vide
order dated 10.12.2020. In the said order this Court had taken
note of the facts stated in the petition that petitioner has got one
criminal antecedent being Madanpur P.S. Case No. 52 of 2020.

In view of the conditions prescribed in the order dated
10.12.2020 the bail bond of the petitioner has not been accepted
because the petitioner had not stated about one more case



against him i.e. Haspura P.S. Case No. 162/2017.

Learned counsel for the petitioner has drawn the attention of this Court towards the statements made in paragraph '3' of the present application wherein it is stated that petitioner has got three criminal cases, two of which are mentioned under paragraph '3' and the third one is the present case.

Learned counsel for the petitioner submits that the mistake was inadvertent and presently the petitioner is on bail in both the cases stated in paragraph '3'.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but regard being had to the discussions made in the order dated 10.12.2020 passed by this Court in Cr. Misc. No. 26270/2020 and the submissions advanced at the Bar that the petitioner is on bail in the two cases stated in paragraph '3', 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 Additional Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad, in connection with Haspura P.S. Case No. 53 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'.

