

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36532 of 2020**

Arising Out of PS. Case No.-356 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Md. Riyaz Son of Marhum Sahabuddin Resident of village- Shahnagar Haldi,
P.S.- Manikpur, District- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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

5 06-07-2021 Heard learned counsel for the petitioner and Mr.
Chaubey Jawahar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 356 of 2020 registered for the offences punishable under Sections 307, 353, 414/34 of the Indian Penal Code, under Sections 30(A), 32(ii), 45 of the Bihar Prohibition and Excise Act 2016 and under Sections 25 (1-b)a/26(I)/35 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, on 11.7.2020 the S.I. cum SHO of Kabaiya Police State along with police officials reached near Jamui Road and started checking of vehicles after ten minutes an Alto Car bearing Registration No BR-53E-2868 had arrived



which was stopped. During the search of the said Alto car, a Bolero vehicle had also come and after breaking the barricading of police succeeded to fled away but on chase the said Bolero vehicle was picked up at Dharmrai Chak but due to the dark two to three persons boarded in Bolero vehicle escaped from there. Three persons who were sitting in the Alto car also fled away. The Bolero vehicle was searched from which total 177 litres foreign liquor and a musket, a loaded country made pistol was recovered. This petitioner was arrested on the spot and disclosed the name of other accused persons.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is driver of the said Alto Car. The petitioner is in custody since 12.7.2020 having no criminal antecedent.

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 this Court has noticed from the materials placed before this Court that so far as the petitioner is concerned, he is said to be the driver of the Alto Car bearing Registration No. BR-53E-2868. From the said Car there is neither any recovery



of liquor nor any arms or ammunition. Petitioner has been arrested on the allegation that in the said Car the number plate of one Bolero vehicle was found which was being used in carrying illicit liquor and arms, the submission being that it is a case of false implication, the petitioner has remained in custody in connection with this case since 12.7.2020, investigation against him is complete but the trial is not likely to be concluded in near future, the petitioner has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of 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 District and Sessions Judge-II-cum-Special Judge Excise, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 356 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly



make and 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.

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'.

