

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39160 of 2020**

Arising Out of PS. Case No.-37 Year-2020 Thana- SURYAGARHA District- Lakhisarai

BABLU KUMAR SON OF RAMCHARITAR SINGH @ NIPO SINGH,
RESIDENT OF VILLAGE- JAIPUR, P.S.- BARAHIYA, DISTRICT-
LAKHISARAI

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satyam Shivam Sundaram, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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

2 12-02-2021 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 this Court.

Heard learned counsel for the petitioner and Mr. Dinesh Singh, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Suryagarha P.S. Case No. 37 of 2020 registered for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition & Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story the informant on a secret information raided the given place and apprehended nine accused persons including this petitioner. The police recovered altogether 2237.75 of illicit liquors.

Learned counsel submits that the petitioner has been



falsely implicated in this case. He further submits that no illicit liquor has been recovered from the possession of petitioner and the petitioner is neither the owner nor the driver of the vehicle in question. The petitioner is in custody since 27.02.2020 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 the submission of the learned counsel for the petitioner that no illicit liquor has been recovered from possession of the petitioner, he is neither the owner nor the driver of the vehicles in question, similarly situated co-accused have been granted privilege of bail by a learned coordinate Bench of this Court in Cr. Misc No. 33538 of 2020 and 33791 of 2020, the petitioner is in custody since 27.02.2020, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st Lakhisarai in connection with Surygarha P.S. Case No. 37 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 their 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 disposed of accordingly.

(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'.

