

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38952 of 2020**

Arising Out of PS. Case No.-171 Year-2020 Thana- MUFFASIL District- Aurangabad

SURAJ KUMAR Son of Musafir Thakur Resident of Village- Suja Karma,
P.S.- Mufasil, Distt- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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

4 20-07-2021 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Aurangabad Mufasil P.S. Case No. 171 of 2020, General Registration No. 883 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

As per the prosecution story, the informant while on patrolling duty got secret information about illicit liquor being unloaded in Suja Karma village. The police reached at the said



place and saw a person carrying carton on head going towards a house and when the police team tried to catch him, he fled away throwing the carton. Upon search a pulsar motorcycle and 261 litres country-made liquor had been recovered near a house along with an Aadhar Card of Suraj Kumar (petitioner).

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and the said motorcycle does not belong to this petitioner. Learned counsel submits that the petitioner is in custody since 13.09.2020.

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 illicit liquor is said to have been recovered near the bush and the motorcycle does not belong to the petitioner rather it has come in course of verification that it belongs to one Rajesh Kumar of Dalmiya Nagar, the petitioner is in custody in connection with this case since 13.09.2020, investigation against him is complete but the trial is not likely to take place in near future, he has got two criminal antecedents in which he is said to be on bail, 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 and Sessions Judge-VII-cum-Special Judge, Excise, Aurangabad in connection with Aurangabad Mufasil P.S. Case No. 171 of 2020, General Registration No. 883 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.

This 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'.

