

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2173 of 2021

Arising Out of PS. Case No.-446 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Akhilesh Kumar Son Of Arjun Patel Resident Of Village- Susta, P.S.- Sadar,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 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 Muzaffarpur Sadar P.S. Case No. 446 of
2020 registered for the offences punishable under Section
30(a) of Bihar Prohibition and Excise Act.

The prosecution story in brief is that on secret
information that in Brajkanti Marriage Hall at village Susta
some illegal business of liquor is going on, the informant
rushed to the place of occurrence and on seeing the police
party the person who were present there started fleeing away



but two persons namely Harikant Sharma and Akhilesh Kumar were arrested from there and on search total 440.640 liters liquor were recovered from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has no concern with the alleged occurrence, he has been falsely implicated in this case. Learned counsel submits that the recovery has been made from the Brijkanti Marriage Hall which was running by co-accused S.P. Singh, and so far as this petitioner is concerned, he is in custody since 16.08.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the recovery of illicit liquor is from the Marriage Hall but the petitioner is not the owner of the said Marriage Hall, he has remained in jail in connection with this case since 16.08.2020, he has no criminal antecedent and the investigation in the present case is complete and there being no submission on behalf of the State that the release of the petitioner is in any way likely to result in tampering with the



evidence or interfering with the course of trial, 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 Special Judge, Excise Act, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No. 446 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)

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'.

