

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3551 of 2021**

Arising Out of PS. Case No.-27 Year-2020 Thana- KALYANPUR District- Samastipur

KAPILESHWAR SINGH Son of Late Raj Kumar Singh Resident of Village-
Jitwariya, P.S.- Kalyanpur, Distt- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

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

2 13-04-2021 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the stamp reporter within four weeks from the date of start of normal functioning of this 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 Kalyanpur P.S. Case No. 27 of 2020 registered for the offences under Sections 30(a), 4(i) (ii) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on secret information the informant recovered 1053.120 litres of illicit liquor from the mango orchard of the petitioner and two



persons managed to escape on seeing the police. On query, the informant got information that the escaped persons are the petitioner and his son.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody since 21.08.2020. It is further submitted that recovery is from open space.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner that the petitioner has remained in jail in connection with the present cases for about eight months, prior to the present case he had no criminal antecedent and the alleged recovery is from mango orchard and further submission that the release of the petitioner at this stage is not likely to result in tampering with evidence or interfering with the course of trial, the submission on behalf of the petitioner having remained uncontroverted by learned A.P.P. for the State, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only)



with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Kalyanpur P.S. Case No. 27 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 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'.

