

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5509 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- RAMGARH District- Kaimur (Bhabua)

Krishna Kumar Rajbhar Son Of Surendra Rajbhar Resident Of Village-Harpur
Ps-Rajpur District-Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak,Advocate

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

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

2 09-04-2021 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 Ramgarh (Nuaon) P.S. Case No. 222 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant while on vehicle checking duty searched a tempo and seized 95 liters of illicit liquor from the said tempo and the petitioner was arrested on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case.



It is submitted that the tempo from which illicit liquor has been recovered does not belong to the petitioner. The petitioner has remained in jail since 06.10.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the submission made on behalf of the petitioner that the tempo from which the illicit liquor has been recovered does not belong to the petitioner, the petitioner has remained in jail in connection with this case since 06.10.2020 otherwise he has got no criminal antecedent, investigation against him is complete and at this stage there is no submission on behalf of the State that his release is in any way 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.-V-cum-Special Judge, Excise, Kaimur at Bhabhua in connection with Excise Case No. 745 of 2020, Ramgarh (Nuaon) P.S. Case No. 222 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.

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'.

