

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3531 of 2021**

Arising Out of PS. Case No.-22 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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RAHUL KUMAR Son of Narendra Kumar R/o Bahadurpur Housing Colony,
P.S.- Kankarbagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Nityanand Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-04-2021 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 Special Case No. 5241/2020 arising out of

P.R. Alamganj Case No. 22/2020 registered for the offences

punishable under Section 30(a) & 56(b) of Bihar Excise

Prohibition Act, 2016.

As per prosecution story, the informant has alleged

that on secret informant, on 07.09.2020 he along with other

police personnel intercepted one Renault Kiwid Car and on



search from dicky of the said Car total 59.670 liters of foreign liquor were recovered of different kind.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the seized vehicle does not belongs to the petitioner and petitioner is in jail since 08.09.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case and the submissions of learned counsel for the petitioner that the seized vehicle does not belong to the petitioner, the petitioner is in custody since 08.09.2020, he has no criminal antecedent, investigation against him is complete and further incarceration of the petitioner in jail is not likely to come in aid of investigation or prosecution, 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, Patna, in connection with Special Case No. 5241/2020 arising out of PR Alamganj Case No. 22/2020, 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'.

