

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3596 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- VIJAYEPUR District- Gopalganj

ADARSH KUMAR SON OF RAKESH TIWARI R/O VILLAGE CHAFWA,
P.S. BHORE, DISTRICT GOPALGANJ.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

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

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

2 13-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Rajesh Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Vijaypur P.S. Case No. 154 of 2020 registered for the offences punishable under Sections 30(a), 32(3), 41(1) of Bihar Prohibition and Amendment Excise Act, 2018 and Section 25(1-b)a, 26 of the Arms Act.

Learned counsel for the petitioner submits that the informant intercepted a vehicle and arrested two persons including this petitioner and one person managed to escape. On search one key was recovered from the possession of the petitioner and from possession of co-accused Vikas Ranjan @ Chotu Singh one loaded



katta and three live cartridges were recovered. It is further alleged that total 233.280 of illicit liquors were recovered from the seized vehicle.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that only a key has been recovered from possession of the petitioner and the petitioner has no concern with the seized vehicle and the liquor. The petitioner is in custody since 07.10.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein from the materials placed on the record, it appears that in course of his search from possession of the petitioner only one key was recovered, the petitioner is neither the owner nor the driver of the seized vehicle, his submission is that he has no concern with the liquor and the seizure list has not been signed by independent witnesses, he has otherwise no criminal antecedent and has remained in jail in connection with the present case for more than 6 months, further incarceration of the petitioner is not likely to come in aid of investigation or the prosecution, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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.II cum



Special Judge, Excise, Gopalganj, in connection with Vijaypur P.S.
Case No. 154 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make
and 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'.

