

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5712 of 2021**

Arising Out of PS. Case No.-629 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Kanhai @ Girijesh Kumar Son Of Shashi Bhushan Prasad Singh Resident Of
Village- Manika, P.S.- Musahari, Dist- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Abhay Kumar No. 1,APP

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**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 Kanti (Panapur O.P.) P.S. Case No. 629 of 2020

registered for the offences punishable under Sections 272, 273,

414, 34 of the Indian Penal Code, Section 25(1B)a, 26 of the

Arms Act and Section 30(a) of Bihar Prohibition and Excise

Act.

Learned counsel for the petitioner submits that as per

the prosecution story, while the informant was on patrolling

duty got information regarding transportation of liquor, he



reached at the given place and recovered 2788 liters of illicit liquor from different vehicles and the persons present there managed to escape except one person namely Sujit Kumar who got arrested. It is further alleged that the petitioner was also arrested sitting inside the vehicle from which 36 liters of illicit liquor has been recovered.

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 car from which 36 liters of illicit liquor has allegedly been recovered does not belong to the petitioner. The petitioner is in jail in connection with the present case since 12.10.2020 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 it is the submission of learned counsel for the petitioner that as per the prosecution story the petitioner has been arrested from the car from which 36 liters of illicit liquors has been recovered, however, the petitioner has otherwise no criminal antecedent, the car does not belong to the petitioner and the petitioner has remained in jail in connection with the present case for approximately 6 months, investigation against



him is complete and at this stage there is no submission on behalf of the State that his release is 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 Special Judge Excise Act, Muzaffarpur in connection with Kanti (Panapur O.P.) P.S. Case No. 629 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'.

