

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8155 of 2021

Arising Out of PS. Case No.-122 Year-2019 Thana- KHUSRUPUR District- Patna

SUDHIR KUMAR SON OF SUKAN YADAV @ SUKAN YAD R/o village-
Baikatpur, Kishnauta Tola, P.S.- Khusrupur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-11-2021 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 Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Khusrupur P.S. Case No.122/2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the informant got secret information that three persons were carrying country made liquor for selling. It is alleged that when the informant went there to verify the information, three persons on seeing the police party fled away throwing the bags containing liquor. On



search, huge quantity of country made liquor was recovered. The informant disclosed that the people assembled there disclosed the name of the petitioner and two others.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner was not carrying liquor and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the petitioner has no criminal antecedent.

Learned counsel further submits that the co-accused Vikash Kumar has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr.Misc.No.41536/2019.

Learned APP for the State is present and has opposed the prayer for pre-arrest bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the alleged recovery is not from the conscious possession of the petitioner, it is not disclosed in the FIR as to who identified the petitioner fleeing away after throwing the bag, the petitioner has no criminal antecedent and the co-accused Vikash Kumar has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in



Cr.Misc.No.41536/2019 and further that the learned APP for the State is unable to distinguish the case of the petitioner from that of the co-accused Vikash Kumar, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Khusrupur P.S. Case No.122/2019 be released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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)

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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'.

