

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8753 of 2021**

Arising Out of PS. Case No.-330 Year-2020 Thana- GARDANIBAG District- Patna

KANCHAN KUMAR ALIAS KANCHAN RAI S/o SRI JAIHIND RAI R/v
Mirampur, P.S. - Raghapur, Distt. - Vaishali at Present R/v Near at Dayanand
School, P.S. - Jakkanpur, Distt. - Patna. Petitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha,Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai,APP

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

2 30-04-2021 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 the Court.

Heard learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 4200 of 2020 arising out of Gardanibagh P.S. Case No. 330 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a), 36 of Bihar Prohibition and Excise Amendment Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, the informant on secret information along with other police personnel raided the Khatal of Satrudhan Rai and apprehended Ranjit Rai who disclosed the name of other accused persons who managed to escape including this petitioner. On search of Khatal total 182.750 liters of illicit liquor was recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner transpired in the confessional statement of the co-accused Ranjit Rai who has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 31927 of 2020. The petitioner is in custody in connection with the present case since 18.10.2020 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 it appears from the materials placed on the record that co-accused Ranjit Rai was arrested from a Khatal when the raid was conducted and he disclosed the name of this petitioner as one among the 5 persons who had allegedly fled away, considering the submission that the co-accused Ranjit Rai has already been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 31927 of 2020 and the petitioner has remained in jail in connection with the present case for over 6 months, investigation against him is complete and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named 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. 4200 of 2020 arising out of Gardanibagh P.S. Case No. 330 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'.

