

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8728 of 2021**

Arising Out of PS. Case No.-153 Year-2020 Thana- HAZIPUR INDUSTRIAL District-
Vaishali

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KAMAL SONI @ KAMAL @ KAMALDEEP SON OF KASHMIRI LAL,
HOUSE NO. 1034, GALI NO. 03, WARD NO. 29, P.S. ATHAMARLA,
DISTRICT- PANIPAT (HARYANA)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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

4 02-08-2021 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. Dr.

Kumar Uday Pratap, learned APP for the State.

The petitioner in the present case is seeking regular bail in

connection with Industrial Area P.S. Case No. 153 of 2020 for the

offences registered under Sections 420, 467, 468 of the Indian Penal

Code and Sections 30(a), 36 and 41(i) of Bihar Prohibition and

Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that as per the

prosecution story total 4771.44 litres of illicit liquor have been

recovered from a truck bearing Haryana registration number which

was driven by this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner only happens to be the driver of the said vehicle and has no concern with the alleged recovery. The petitioner is in custody since 06.10.2020 having no criminal antecedent.

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

Considering the facts and circumstances of the case wherein this petitioner is said to be the driver of the vehicle in question from which 4771.44 litres of liquor is said to have been recovered, the petitioner has otherwise no criminal antecedent and is ready to abide by terms and conditions on which this Court may grant him bail including to provide a local bailor, this Court directs release of the petitioner above-named on bail, **on completion of one year of custody**, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, cum Excise Court, Vaishali at Hazipur, in connection with Industrial Area P.S. Case No. 153 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.

And further condition that one of the bailors would be a local person residing in the jurisdiction of the learned court below having sufficient means.

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'.