

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8869 of 2021**

Arising Out of PS. Case No.-182 Year-2020 Thana- DAGARUA District- Purnia

ANIKET KUMAR SON OF JITENDRA SHARMA R/O VILLAGE-
KHAIRA BAZAR, P.S.- KINJAR, DISTRICT- ARWAL.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rudra Deo,Advocate

For the Opposite Party/s : Mrs.Dr.Indiwar Kumari,APP

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

2 04-05-2021 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 Mrs. Dr. Indiwar Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No. 448 of 2020 arising out of Dagarua P.S. Case No. 182 of 2020 registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per prosecution story, the informant along with other police officials on secret information started checking vehicle at Barsauni Toll Plaza and stopped a truck. On search of the said truck, total 936 liters of illicit liquor was recovered and the driver of the truck (this petitioner)



was apprehended.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not the owner of the truck in question. It is further submitted that the petitioner has no concern with the alleged recovered illicit liquor. The petitioner is in custody since 19.10.2020 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 is submitted that as per the allegations the recovery of illicit liquor was made from the truck and so far as this petitioner is concerned, he has remained in jail in connection with the present case since 19.10.2020, 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 bonds 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, Purnia, in connection with Special Case No. 448 of 2020 arising out of Dagarua P.S. Case No. 182 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'.

