

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37998 of 2021**

Arising Out of PS. Case No.-96 Year-2020 Thana- PARSAUNI District- Sitamarhi

Rajnish Kumar @ Rajnish Kumar Yadav, S/o Sri Jai Narayan Rai, R/O-
Parshurampur, P.S. - Parsauni, Dist. - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shashi Bhushan Singh, Advocate
For the Opposite Party : Mr.Shantanu Kumar, APP

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

2 19-01-2022 Heard learned counsel for the petitioner and Mr.
Shantanu Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Parsauni P.S. Case No. 96 of 2020, G.R. No. 1124/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016 of the Indian Penal Code. He is in custody since 25.01.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant got secret information that in the village Parshurampur, one Raja Kumar, who was a storekeeper/supplier of wine, is engaged in supply of wine, on this information, he along with other police officials reached at the house of Raja Kumar and from the bed room of Raja Kumar 300 bottles of Nepali Desi Saufi wine was



seized and on the statement of Raja Kumar total 1062 liters of Nepali Desi Saufi wine were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that there is no recovery from the possession or house of the petitioner, his name has transpired in the confessional statement of the co-accused.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the uncontroverted submission of learned counsel for the petitioner that there is no recovery from the possession or house of the petitioner, his name has transpired in the confessional statement of the co-accused as an associate of the co-accused, the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 25.01.2021, 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 Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with Parsauni P.S. Case No. 96 of 2020, G.R. No. 1124/2020, subject to the condition as laid down under



Section 437 (3) 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)

Rajeev/-

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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'.

