

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37973 of 2021**

Arising Out of PS. Case No.-118 Year-2021 Thana- LALGANJ District- Vaishali

Bipin Kumar S/O Bhikari Ray @ Bhikhari Ray R/O Village- Keshopur, P.S.-
Lalganj, District- Vaishali At Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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

2 19-01-2022 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. Ajit Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Lalganj P.S. Case No. 118 of 2021 registered for the offences punishable under Section 414 of the Indian Penal Code read with Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 25.03.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant along with other police



officials reached at the place of occurrence and there they saw two pickup vans and one Bolero pickup van in which a person was sitting but on seeing the police party, he tried to flee away but got apprehended on chase and disclosed his name Bipin Kumar. On search of the said vehicles in question, altogether 643 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 there is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 25.03.2021 having no criminal antecedent.

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

Having regard to the materials placed before this Court showing that the petitioner is said to be the driver of the vehicle, the seizure list does not have any independent witnesses, the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 25.03.2021, 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 Additional



Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 118 of 2021, subject to the conditions 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.

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'.

