

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38513 of 2021**

Arising Out of PS. Case No.-58 Year-2021 Thana- GOPALGANJ TOWN District- Gopalganj

Biran Kumar Ram S/O Bishwanath Ram Resident Of Village- Karariya, P.S.-
Gopalganj Nagar, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

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

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

2 31-01-2022 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. Anuj
Kumar Shrivastava, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Gopalganj Town P.S. Case No. 58 of
2021 registered for the offences punishable under Sections
30(a)/41(1) of Bihar Prohibition and Excise (Amendment) Act,
2018. He is in custody since 25.01.2021. The petitioner has got
one criminal antecedent in which he is on bail.

Learned counsel for the petitioner submits that as per
the prosecution story, on secret information that one Rabish
Kumar is doing liquor trade along with his associates, the



informant and other police officials reached at the house of Rabish Kumar. On seeing the police party, Rabish Kumar, Biran Kumar (this petitioner) and Pradeep Ram who were sitting in the field of Rabish Kumar started fleeing away but on chase got apprehended. Total 186.400 liters of illicit liquor was recovered from the field of Rabish Kumar.

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 conscious possession of the petitioner. The petitioner is in custody since 25.01.2021.

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

Having regard to the submissions advanced on behalf of the petitioner that 186 liters approximately of the illicit liquor has been recovered from the field of the co-accused Rabish Kumar, there was no recovery from the conscious possession of the petitioner and the petitioner has been arrested only because he was said to be present sitting with Rabish Kumar and on seeing the police party had started fleeing away, the petitioner has got one criminal antecedent of the year 2014 in which he is said to be on bail and in connection with the present case he is



in custody since 25.01.2021, 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 2nd Additional District and Sessions Judge, Gopalganj in connection with Gopalganj Town P.S. Case No. 58 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'.

