

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40147 of 2021**

Arising Out of PS. Case No.-235 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Rohit Kumar S/O Umesh Yadav R/O Village- Dhobauliya, P.S.- Chakiya,
District- Motihari

... .. Petitioner

Versus

State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

2 08-02-2022 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. Dashrath Mehta, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kuchaikote P.S. Case No. 235 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 and Section 414 of the Indian Penal Code. He has no criminal antecedent and he is in custody since 16.06.2021.

As per the prosecution story, the petitioner was arrested along with the co-accused Niku Yadav when both were riding a motorcycle and were carrying a bag in which altogether



52.56 liters of wine were recovered.

Learned counsel for the petitioner submits that the petitioner has remained in custody for about 8 months and investigation against him is complete.

Learned counsel has further submitted that the co-accused Niku Yadav has been granted bail by a learned Co-ordinate Bench of this Court but for the present he is not having the case number.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner was riding on a stolen motorcycle and the bag containing liquors have been recovered.

Having regard to the materials available on the record as also the submissions, considering that the petitioner has remained in custody since 16.06.2021 and the investigation against him is said to be complete, further the co-accused Niku Yadav has been granted bail by a learned Co-ordinate Bench of this Court as disclosed by learned counsel for the petitioner, 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 A.D.J. II, Gopalganj in connection with



Kuchaikote P.S. Case No. 235 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that before accepting the bail bond, the learned court below shall verify the fact from the materials on the record that the co-accused Niku Yadav has been granted bail. If the bail order of co-accused is available on the record then only the bail bond of the petitioner shall be accepted because that is one of the considerations given by this Court.

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'.

