

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40157 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- ALAMGANJ District- Patna

1. Jay Kumar @ Krishna Kumar, son of Late Pappu Pandit, Resident of Village - Shekhubchar ka Chouraha, Police Station - Alamganj, District - Patna.
2. Aditya Kumar @ Rancho, son of Raju Ray Resident of Village - Uchaile, Police Station - Madanpur, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-03-2022 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Special Case No. 1594/2021 (arising out of Alamganj P.S. Case No. 145 of 2021) registered for the offences punishable under Section 414 of the Indian Penal Code & Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018. Petitioner no. 1 has got one criminal antecedent whereas petitioner no. 2 has no criminal antecedent. They are in custody since 05.03.2021.

As per the prosecution story, on 04.03.2021 while the informant along with other police parties were on patrolling duty and reached near Bhadra Ghat Pipa Bridge, he saw one



white colour Tata Sumo vehicle coming from Hajipur. The informant further alleged that on seeing the police party the driver and one other person were tried to flee away but were caught on chase and disclosed their name as Jay Kumar @ Krishna Kumar and Aditya Kumar @ Rancho (the petitioners). Thereafter the informant searched the vehicle and recovered 140.70 liters of illegal wine.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that petitioners are the driver and helper of the said vehicle.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that police has shown recovery of 140.70 liters of illegal liquor from Tata Sumo vehicle in which the petitioners were present as driver and helper but the seizure list witnesses are only the police personnel and that the petitioners are in judicial custody since 05.03.2021 and investigation against them is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 1594/2021 (arising out of Alamganj P.S. Case No. 145 of 2021), 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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'.

