

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39868 of 2021**

Arising Out of PS. Case No.-36 Year-2021 Thana- SINGHIYA District- Samastipur

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Aklu Yadav Son Of Parmeshwar Yadav Resident Of Village- Piprahi, P.S.-
Kusheshwar, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 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.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Singhiya P.S. Case No. 36 of 2021
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016. He is in custody since
18.03.2021. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, on a secret information, the informant
intercepted a Tata 407 vehicle and recovered 1568.880 litres of
illicit liquor. Police officials have apprehended the driver of the



said vehicle and this petitioner who was present in the vehicle with the driver.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the driver of the vehicle from which liquor was recovered has already been granted bail in Cr. Misc. No. 37982 of 2021. The petitioner has remained in custody since 18.03.2021.

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

Having regard to the materials placed on record as well as the submission of learned counsel for the petitioner that this petitioner is 30% handicapped, liquors were recovered from Tata 407 vehicle and the driver of the said vehicle has already been granted bail in Cr. Misc. No. 37982 of 2021, further the petitioner has disclosed that he has got two criminal antecedents, however, in one of them he is on bail whereas in another one he was not arrested when he appeared before the police pursuant to the notice under Section 41A(1) of the Cr.P.C., in connection with this case he is in custody since 18.03.2021 and investigation against him is complete, therefore, 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-Cum-Special Judge Excise, Samastipur in connection with Singhiya P.S. Case No. 36 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'.

