

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41877 of 2021

Arising Out of PS. Case No.-750 Year-2020 Thana- KANTI District- Muzaffarpur

Praveen Kumar Son Of Phool Singh Resident Of Village - Kungar, P.S.
Bhawani Khera, District - Bhawani (Hariyana). Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 28-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Upendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kanti P.S. Case No. 750 of 2020 registered for the offences punishable under Sections 420, 467, 468 and 471/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act. He is in custody since 22.12.2020 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant along with other police officials on secret information started checking vehicles at Darbhanga Mor. During checking a truck bearing Registration No. UP 22T0-6742 was stopped but the driver and the khalasi (this petitioner) tried to



flee away but got apprehended. Thereafter on search of the said truck total 2516.400 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 the driver of the said truck from which illicit liquor was recovered has already been granted bail by this Court in Cr. Misc. No. 41300 of 2021. The petitioner is in custody since 22.12.2020 having no criminal antecedent.

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

Having regard to the submissions that this petitioner happened to be the Khalasi on the truck in question, he has no criminal antecedent, the driver of the vehicle has been granted bail in Cr. Misc. No. 41300 of 2021 and the petitioner has remained in custody in connection with this case since 22.12.2020, his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 750 of 2020, subject to the condition as laid down under Section 437(3) Cr.P.C.

One of the bailors shall be a permanent resident of the State of Bihar having sufficient means.



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 steps 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'.

