

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43588 of 2021

Arising Out of PS. Case No.-178 Year-2021 Thana- BUDDHACOLONY District- Patna

Santosh Kumar Son Of Late Dilip Ray R/O - Chakaram, Devi Asthan Budha Colony, P.S.- Buddha Colony, District- Patna

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Nazir Ansari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Buddha Colony P.S. Case No. 178 of 2021 registered for the offence punishable under Sections 30(a), 36 and 41 of Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 11.06.2021. 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, the informant along with other police officials intercepted a Breja Car in which three persons were sitting namely Amit Kumar, Santosh Kumar (this petitioner) and Harnam Singh



(driver). On search of the said car, total 202 liters of illicit liquor was recovered and all three accused persons were arrested.

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 car from which illicit liquor has been recovered has already been granted bail by a learned Co-ordinate Bench of this Court. The petitioner is in custody since 11.06.2021.

Learned counsel submits that the investigation against him is complete and his presence may be secured in course of trial.

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

Having regard to the submission that the petitioner was allegedly arrested with the driver of the Breja car and from the said car 202 liters approximately of liquor were recovered, the driver of the car has been granted bail by this Court in Cr. Misc. No. 42336 of 2021, the petitioner has one criminal antecedent but in the said case he is on bail, so far as the present case is concerned, the petitioner is in custody since 11.06.2021, investigation against him is complete and 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, Patna in connection with Special Case No. 3533 of 2021 arising out of Buddha Colony P.S. Case No. 178 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 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'.

