

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44572 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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BIRENDRA KUMAR @ VIRENDRA KUMAR, Son of Jharilal Mahto,
Resident of Village - Rupauli, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Excise Case No.242 of 2021 corresponding to

P.R. No.04 of 2021 registered for the offences punishable under

Sections 30(a), 30(c) and 30(d) of the Bihar Prohibition and

Excise Act, 2016. He is in custody since 09.06.2021. The

petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per

the First Information Report on 08.06.2021 at about 10.30 pm



on secret information the informant had conducted a raid in Khasra village and arrested four persons including this petitioner and on search recovered 46.5 liters of foreign liquor, 20 liters of spirit and 52 empty bottles.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the seizure has been made from a place which does not belong to the petitioner and nothing incriminating has been recovered from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 09.06.2021 having no criminal antecedent.

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

Having regard to the submission that the seizure has been made from a place which does not belong to the petitioner, from the possession of the petitioner no incriminating article has been recovered, the petitioner has no criminal antecedent and in connection with the present case he has remained in jail since 09.06.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on



furnishing 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 Excise Case No.242 of 2021, corresponding to P.R. No.04 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 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.

(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'.

