

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44542 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- KHAJEKALA District- Patna

Badal Kumar Son Of Rajesh Gope Resident Of Belwar Ganj, P.S.- Alamganj,
District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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. Nand Kishore Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Khajekalan P.S. Case No. 95 of 2021, Special Case No. 2535 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and Section 25(1-b)a, 26 of the Arms Act. He is in custody since 29.03.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant received information that all FIR accused named persons are carrying country-made and foreign liquor on two black colour Pulsar motorcycle and two scooty. On



this information, the informant along with other police officials intercepted the said vehicles and on search, 21 liters illicit liquor was recovered from the scooty of which this petitioner was the driver and Roshan Kumar was the pillion rider and a mobile phone was also recovered from this petitioner. Accordingly, other accused persons named in the FIR were apprehended and on search illicit liquors and arms were 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 petitioner has remained in custody since 29.03.2021 having no criminal antecedent.

Learned counsel submits that the presence of the petitioner 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 104 liters of country-made as well foreign liquor were recovered and it is stated that this petitioner was driving the scooty, he has no criminal antecedent and from his possession it is alleged that one mobile and 21 liters of illicit liquor have been recovered, he has otherwise no criminal antecedent and has remained in custody since 29.03.2021, 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 Khajekalan P.S. Case No. 95 of 2021, Special Case No. 2535 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.

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'.

