

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.44009 of 2021**

Arising Out of PS. Case No.-233 Year-2021 Thana- BARACHATTI District- Gaya

Karan Singh Son Of Jai Prakash Singh Resident Of Village - Kurmidih, P.S.-
Balidih, District - Bokaro. (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-02-2022 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.

Petitioner in the present case is seeking regular bail in connection with Barachatty P.S. Case No. 233 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has no criminal antecedent and is in custody since 10.04.2021.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information, the informant along with other armed forces reached at Sobh Chowk and started vehicle checking and in course of vehicle checking, they intercepted one Tata Safari and on search of the said vehicle, total 171 liters of foreign



liquor was recovered and the petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is submitted that the seizure list witnesses are not the local residents and the co-accused Abhay Kumar has already been granted bail in Cr. Misc. No. 44716 of 2021. The petitioner is in custody since 10.04.2021 having no criminal antecedent.

Learned counsel submits that investigation against him is complete and his appearance during trial may be secured.

Mr. Akhileshwar Dayal, learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that 171 liters of illicit liquor has been recovered from the vehicle but the seizure list witnesses are not the local persons, the petitioner has no concern with the said vehicle, he has no criminal antecedent, the co-accused Abhay Kumar has been granted bail in Cr. Misc. No. 44716 of 2021, investigation against the petitioner is complete and he has remained in custody in connection with this case since 10.04.2021, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with CIS Case No. 752 of 2021 arising out of Barachatty P.S. Case No. 233 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 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'.

