

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.44519 of 2021**

Arising Out of PS. Case No.-315 Year-2019 Thana- OBRA District- Aurangabad

Bitu Kumar Singh @ Bittu, S/o Dilip Singh, Resident of Village- Baliyan,
P.S.- Amba, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sarbottam Kumar Sarkar, Advocate
For the Opposite Party : Mr.Md. Shakir Ahmad, 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 as pointed out by office within four weeks after start of normal functioning of the Court.

At the outset, learned counsel for the petitioner seeks permission to make correction in the prayer portion in respect of description of the court below where the case is pending. The correct description is “learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad”.

Heard learned counsel for the petitioner and Md. Shakir Ahmad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Obra P.S. Case No. 315 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. He is in custody since



15.02.2021 having one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he was on patrolling duty with other police personnel, he saw two Belero vehicles standing on N.H.139, he tried to stop the vehicles but on seeing the police party the persons who were inside the vehicles started fleeing away but on chase on person was arrested and other person succeeded to flee away. The informant further alleged that on search of the vehicles total 536.4 liters of illegal liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the name of this petitioner has transpired in the confessional statement of co-accused Pintu Yadav who has already been granted bail in Cr. Misc. No. 9145/2020 by a learned coordinate Bench of this court.

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

Having regard to the submission that the name of this petitioner has transpired in the confessional statement of co-accused Pintu Yadav who has already been granted bail in Cr. Misc. No. 9145/2020 by a learned coordinate Bench of this



court, so far as this petitioner is concerned, he has remained in custody since 15.02.2021, 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad, in connection with Obra P.S. Case No. 315 of 2019, 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.)

Rajeev/-

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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'.

