

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45113 of 2021**

Arising Out of PS. Case No.-405 Year-2020 Thana- SHIVSAGAR District- Rohtas

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ARVIND KUMAR KASERA @ ARVIND KUMAR, S/O ARJUN PRASAD
KASERA @ ARJUN PRASAD, R/o village- Barhi, P.S.- Barhi, District-
Hazaribagh (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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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. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Shivsagar P.S. Case No. 405 of 2020 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2018. He is in custody since
01.01.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, while the informant was involved in
vehicle checking one DCM Truck tried to escape which was



intercepted on chase. The petitioner was apprehended while driving the truck. On search of the truck, the informant recovered 1218.060 litres of illicit liquor from the said truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 01.01.2021.

Learned counsel submits that the presence of the petitioner may be secured in course of trial and he is also ready to give one local bailor having permanent resident of the State of Bihar with sufficient means.

Mr. Md. Fahimuddin, 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 petitioner is the driver of the vehicle in question, investigation against him is complete, his presence may be secured in course of trial and he is also ready to give one local bailor having permanent resident of the State of Bihar with sufficient means, 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 Additional Sessions Judge 2nd, -cum-Special Judge, Excise, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 405 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the bailors would be the permanent resident of the State of Bihar having sufficient means.

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'.

