

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45102 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

AATISH KUMAR S/o Sanjeev Kumar @ Sanjiv Kumar Verma R/o village-
Basauli Himmatsingh, P.S.- Bochhan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Nandan, Adv.

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

Petitioner in the present case is seeking regular bail in connection with Mohammadpur P.S. Case No.116 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 25.06.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story 206.64 liters of illicit liquor was recovered from a Honda City car of which the petitioner is a driver.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner is the driver of the vehicle in question from which the illicit liquor was recovered and he has no concern with the same. It is submitted that the petitioner is in custody in connection with this case since 25.06.2021 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 petitioner is the driver of Honda City Car from which illicit liquors are said to have been recovered, the petitioner was driving the vehicle on the direction of the owner of the car, he has no criminal antecedent and has remained in custody since 25.06.2021, 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 A.D.J.-II, Gopalganj in connection with Mohammadpur P.S. Case No.116 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'.

