

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.44511 of 2021**

Arising Out of PS. Case No.-8 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Raushan Kumar, S/O Vinod Rajak, R/O Village-Rampur Shyamchand, P.S-
Raghopur, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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**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.

Heard learned counsel for the petitioner and Mr.
Shailendra Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Didarganj P.S. P.R. Case No. 08 of 2021
Special Case No. 2833/2021 registered for the offences
punishable under Sections 30(a), 32(1), 32(3), 41(1), 41(2) of
the Bihar Prohibition & Excise Act, 2016. He is in custody since
10.04.2021 having no criminal antecedent as stated in paragraph
'3' of the application.

As per the prosecution story, on secret information
that in the jurisdiction of Didarganj Police Station illegal liquor



is transporting, thereafter the informant reached at the alleged place and raided the concerned vehicle and recovered total 200 liters of illegal liquor from passenger Tempo.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that 200 liters of liquor have been recovered from a Tempo which does not belong to the petitioner.

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

Having regard to the submission that 200 liters of liquor have been recovered from a Tempo which does not belong to the petitioner and further submission that no independent witness has signed the seizure list and further that the petitioner, who has no criminal antecedent, has remained in custody since 10.04.2021, 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 Didarganj P.S. P.R. Case No. 08 of 2021 Special Case No. 2833/2021, 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.)

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'.

