

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46116 of 2021**

Arising Out of PS. Case No.-188 Year-2021 Thana- PAKARIBARAW District- Nawada

Rahul Kumar S/O Late Sunil Kumar Singh @ Sunil Kumar R/O Village-
Wajitpur, P.S-Pakribarawan, District-Nawada.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

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

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

2 02-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Pakribarawan P.S. Case No. 188 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has remained in custody since 29.06.2021 and has one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant while was on evening patrolling duty got secret information regarding selling of illicit liquor. The informant reached at the given place where on seeing the police one person started fleeing but he was caught



and disclosed his name Rahul Kumar (petitioner). On his disclosure the informant recovered 24 pieces of Mahua liquor each 250 ml. from a plastic bag. The informant prepared the seizure list for recovery of liquor and lodged the FIR.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner. The petitioner is in custody since 29.06.2021.

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

Having regard to the submission that there is no recovery of illicit liquor from the conscious possession of the petitioner, the petitioner was apprehended allegedly when he was trying to flee away on seeing the police party, the recovery is from a plastic bag which was not in the hand of the petitioner, the petitioner has got one criminal antecedent as stated in paragraph '3' but in connection with this case he has remained in custody since 29.06.2021, 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, Nawada in connection with Pakribarawan P.S. Case No. 188 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 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'.

