

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.56867 of 2021**

Arising Out of PS. Case No.-67 Year-2021 Thana- RISIYAP District- Aurangabad

Aaditya Kumar, S/O Late Nakul Singh, R/O Village-Tetariya, P.S.- Aurangabad Mufassil, District- Aurangabad, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, A.P.P.

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

2 15-04-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within two weeks after start of normal functioning of this Court.

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

The petitioner in the present is seeking regular bail in connection with Risiyap P.S. Case No. 67 of 2021 registered for the offences punishable under Section 30(a) of Bihar Excise (Prohibition) Amendment Act, 2018. The petitioner is in custody since 24.07.2021. He has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, 450 litres of country made liquor was recovered from a Maruti Car in which the petitioner was also



sitting.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner and he has no concern with the alleged seized liquor. It is submitted that the petitioner is in custody in connection with this case since 24.07.2021 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner was allegedly sitting in the car from which the liquor has been recovered but has remained in custody since 24.07.2021, investigation against him is complete, seizure list witnesses are not independent witnesses as claimed and the petitioner has no criminal antecedent as also that his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Aurangabad (Bihar) in connection with Risiyap P.S. Case No. 67 of 2021, subject to the conditions as



laid down under Section 437(3) of the 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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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 web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

