

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58639 of 2021

Arising Out of PS. Case No.-307 Year-2021 Thana- BYPASS District- Patna

Rahul Kumar, S/o Devsharan Prasad, R/o village- Bahari Begampur, P.S.-
Bypass, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-04-2022 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 Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bypass P.S. Case No. 307 of 2021 registered for the offences punishable under Section 30(a)/37(c) of the Bihar Excise Act. He is in custody since 09.08.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was on patrolling duty and was crossing Begumpur Jalla Mahavir Mandir, he heard the sound of hulla and reached there, thereafter he surrounded that place and arrested five persons from the spot. The informant further alleged that from the possession of the



petitioner he recovered 25 liters Mahua wine.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the recovered illicit liquor does 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 the recovery of illicit liquor is from a field which does not belong to the petitioner and he is in custody since 09.08.2021, he has no criminal antecedent, investigation against him is complete, 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 Bypass P.S. Case No. 307 of 2021 corresponding to Special Case No. 4878 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.)

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'.

