

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71839 of 2021**

Arising Out of PS. Case No.-751 Year-2021 Thana- KUDHNI District- Muzaffarpur

Rakesh Kumar @ Kalu Son Of Devendra Rai Resident Of Village- Dubiyahi,
P.S.- Kudhni (Turki O.P.), District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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

2 16-06-2022 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 learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kudhni P.S. Case No. 751 of 2021 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code & Sections 30(a), 41, 52 of Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 10.10.2021 and has one criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant got secret information that Pankaj Kumar and Bijendra Kumar @ Vijay had gone to Turki on white colour car loaded with spirit. On this information, the



informant along with other police officials reached NH 57 Sakri Chowk and during vehicle checking, they intercepted the said car and arrested two persons namely Pankaj Kumar and Bijendra Kumar @ Vijay who disclosed the name of this petitioner and three others. On search of the said car, 30 liters of spirit, 200-200 Raiper of Imperial blue and Royal stag and 200 small empty bottles of 375 ml were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused. It is also submitted that there is no recovery from possession of the petitioner. The petitioner has remained in custody since 10.10.2021.

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 name of the petitioner has transpired in the confessional statement of the co-accused from whose possession illicit liquors were recovered, the petitioner has remained in custody since 10.10.2021, the co-accused have been granted bail in Cr. Misc. No. 67543 of 2021, investigation against the petitioner is complete and his presence



may also be secured in course of trial, therefore, 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 Special Judge, Excise, Muzaffarpur in connection with Kudhni P.S. Case No. 751 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'.

