

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71006 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

BITTU KUMAR YADAV S/o Sri Chhatardhari Yadav R/o village-
Karhavana, P.S.- Chhatahapur, Distt.- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ugranath Mallik, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimmudin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with P.R. No. 06 of 2021-22/Special Case No. 213 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act. He is in custody since 21.06.2021. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that while the informant was involved in vehicle checking on secret information intercepted a car bearing registration no. UP13AC 7943 from which two persons started escaping but one was caught and the driver managed to escape. The apprehended person was the petitioner. The



informant searched the car and recovered 94.500 liters illicit liquor from the dickey. It is stated that the on being asked by the informant the petitioner has not said anything about the driver.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from his conscious possession and the petitioner had taken lift in the alleged vehicle. He has nothing to do with the articles kept therein. The petitioner is in custody since 21.06.2021 having no criminal antecedent. It is further submitted that the presence of the petitioner may be secured in course of trial.

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 petitioner has no concern with the vehicle and is in custody since 21.06.2021 having no criminal antecedent, investigation against him is complete and his presence may be secured in course of trial, 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 Additional District & Sessions Judge II-cum-Special Judge Excise Act, Kishanganj in connection with Special Case No. 213 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 disposed of.

(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’.

