

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71327 of 2021

Arising Out of PS. Case No.-649 Year-2021 Thana- ALAMGANJ District- Patna

Niraj Kumar S/O Chandeshwar Pd. Srivastav Resident Of Bishunpur Galal,
P.S. - Bhagwanpur, Dist. - Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, 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 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 Special Case No. 6094 of 2021 arising out of Alamganj P.S. Case No. 649 of 2021 registered for the offences punishable under Sections 30(a), 37(c) of Bihar Prohibition and Excise Act. He is in custody since 27.09.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant who is the Sub-Inspector of Police got secret information in course of raid that some persons at Meena Bazar Domkhana are indulged in selling of liquor. The



informant after informing the Station House Officer reached at the given place and apprehended 14 persons including the petitioner. The petitioner was allegedly found in possession of a gallon containing 15 liters mahua liquor. From others recovery of liquor has also been made. It is alleged that the petitioner and others were found in drunken condition after being tested through breath analyzer.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has remained in custody since 27.09.2021 having no criminal antecedent.

Learned counsel submits that 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 is in custody since 27.09.2021, investigation against him is complete and his presence may also be secured in course of trial as also that the petitioner has no criminal antecedent, 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 Act, Patna in connection with Special Case No. 6094 of 2021 arising out of Alamganj P.S. Case No. 649 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'.

