

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72150 of 2021

Arising Out of PS. Case No.-178 Year-2021 Thana- BUDDHACOLONY District- Patna

Ajay Kumar @ Kallu S/o Sri Shyam Babu Rai R/o Mohalla- Chakaram, P.S.-
Budha Colony, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-06-2022 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 Mr. Anil Kumar Singh No. 1, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Buddha Colony P.S. Case No. 178 of 2021 registered for the offences punishable under Section 30(a)/36/41 of the Bihar Prohibition & Excise (Amended) Act, 2018. He is in custody since 04.10.2021 having two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, on 09.06.2021 while the informant was on patrolling duty, he received an information from Excise Prohibition Unit, Patna that on the road which goes Hospito India to Chakaram, illegal liquor was being brought for sale by a Brezza Car. The informant further alleged that after receiving such



information he reached Chakaram and saw one Brezza Car of gray colour standing on the road and two persons were sitting in the car, thereafter he apprehended three persons who disclosed their names as Amit Kumar @ Baliram, Santosh Kumar and driver Harnam Singh. The vehicle was searched and total 202.575 liters of illicit liquor were recovered. The informant further stated that on search of the person of Amit Kumar @ Baliram two mobiles and Rs. 6100/- and from possession of Harnam Singh one mobile and Rs. 6900/- were recovered, thereafter on search of Santosh Kumar one mobile was recovered. On query, Harnam Singh disclosed that the liquor was sent by Biren Singh thorough Bhola to Chakaram and Amit Kumar @ Baliram came there for supply of the liquor who disclosed that the recovered liquors were demanded by Biren Singh through Bhola who used to sale the same through Santosh, Ravi and Ajay @ Kallu.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and no incriminating article has been recovered from possession of 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 this petitioner was arrested in the morning of 09.06.2021 itself in connection with another case but his name has been wrongly shown in this case, further he has remained in custody since 04.10.2021 having two criminal antecedents and investigation against him is complete and



his presence may be secured in course of trial, therefore 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 2nd Additional District & Sessions Judge – cum – Special Judge, Excise, Patna in connection with Buddha Colony P.S. Case No. 178 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'.

