

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71584 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- BIDUPUR District- Vaishali

Dayanand Singh @ Dayanand Kumar, Son of Late Om Prakash Singh,
Resident of Village Chechar, P.S. - Bidupur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, 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 pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bidupur P.S. Case No.134 of 2021 registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 10.08.2021. The petitioner has got two criminal antecedents and in both the cases he is said to be on bail as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per the prosecution story, the informant has alleged that on 13.03.2021 he got secret information that in village Chechar



near Canara Bank Nikhil Kumar, Ujjwal Prakash, Dayanand Singh, Suryamani Kumar @ Gopu Kumar, Indrajeet Singh, Lalu Kumar have brought the Indian made foreign liquor on a truck. On such information, he reached at that place and on seeing police party six persons were fled away but they were identified by the local Chowkidar in the light of the vehicle. The informant further alleged that behind the market one truck, one Desire Car, one Bolero were parked in which different quantity of cartoons were seen from which total 2594.88 liters of Indian made foreign liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner was neither present at the place of occurrence nor he has got any concern with the any of the vehicles or articles, however he is in custody since 10.08.2021.

APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to submission that this petitioner who was arrested allegedly on the ground that when police raided the area where the truck in question was standing with loaded liquor this petitioner was one of the persons started fleeing away and was identified in the light of the vehicle by the local chowkidar,



the petitioner has remained in custody since 10.08.2021, he has got two criminal antecedents and in both the cases he is on bail, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds 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, Vaishali at Hajipur in connection with Bidupur P.S. Case No.134 of 2021, subject to the conditions 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'.

