

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71850 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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KAILASH KUMAR @ ADITYA KUMAR Son of Jawahar Mandal Resident
of Village- Sakhua (Ward No.8), P.S.- Pipra, District- Supaul. (Wrongly
written in Prosecution Aditya Kumar Son of Late Sanjay Mandal, Resident of
Village- Ganpatganj (Ward No.3), P.S.- Raghapur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Yogendra Kumar, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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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 Mr.

Suresh Prasad Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with P.R. (Case) No. 28 of 2021-22 corresponding

to Special Case No. 582 of 2021 registered for the offences

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act. He is in custody since 06.12.2021 having no

criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant

received secret information, he intercepted one INNOVA Car



bearing Registration No. DL4CAE-3159 near Simalbari Tata Motors on Kishanganj- Bahadurganj Road and on search being made total 99 liters of illicit liquor were recovered from the dicky of the car. The apprehended person disclosed his name as Aditya Kumar.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner is the driver of the car and he is not the owner of the said car, however he is in custody since 06.12.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is not the owner of the vehicle in question, though he was driving the same when 99 liters of illicit liquor were recovered, he has remained in custody since 06.12.2021, he has otherwise no criminal antecedent, 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 Additional District & Sessions Judge – II – cum – Special Judge (Excise), Kishanganj in connection with



P.R. (Case) No. 28 of 2021-22 corresponding to Special (Excise)
Case No. 582 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'.

