

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72118 of 2021

Arising Out of PS. Case No.-460 Year-2021 Thana- ARWAL District- Jehanabad

KAUSHAL PANDEY S/o Late Rampyare Pandey @ Ramdyal Pandey R/o
village- Biku Bigha, P.S. and Distt.- Arwal

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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 learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Excise Case no. 1153 of 2021 arising out of Arwal P.S. Case No. 460 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018. He is in custody since 07.12.2021 having one criminal antecedent as stated in paragraph '3' of the application in which he is on bail.

As per the prosecution story, while the informant, who was on patrolling duty, got secret information that one Kaushal



Pandey of village Biku Bigha is selling liquor from his house, he raided the said house and one person was arrested who disclosed his name as Kaushal Pandey and on being search the said house police recovered total 39 liters of country made mahua liquor.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing incriminating article has been recovered from possession of the petitioner, however petitioner is in custody since 07.12.2021.

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 has remained in custody since 07.12.2021, he has one criminal antecedent in which he is said to be on bail, 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 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 Sessions Judge – II – Cum – Special Judge, Excise, Jehanabad in connection with Excise Case no. 1153 of 2021 arising out of Arwal P.S. Case No. 460 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'.

