

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.336 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- PARSABAZAR District- Patna

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Golu Kumar @ Sunny Kumar, Son of Raja Kumar @ Raju Kumar @ Raju Kumar Mahto, Resident of Village - Parsa Bazar Sampatchak Road, P.S.- Parsa Bazar, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

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

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special Case No.5058 of 2021 arising out of Parsa Bazar P.S. Case No.295 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 30.10.2021. The petitioner has got one criminal antecedent of similar nature in which he is said to be on bail.

Learned counsel for the petitioner submits that, as per



the prosecution story, on 16.08.2021 on the disclosure made by co-accused Ranjan Kumar who was an accused in Gopalpur P.S. Case No.288 of 2021 that Golu Kumar (petitioner) had kept illicit liquor at Parsa Bazar, Sampatchak Road, the sub-inspector of police, Parsa bazar conducted a raid at the given place. It is alleged that on seeing the police party one person succeeded in fleeing away. It is further alleged that thereafter the police conducted a search and recovered 184.500 liters of illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Ranjan Kumar and there is no recovery of illicit liquor from his possession. It is submitted that the petitioner is in custody in connection with this case since 30.10.2021.

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

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Ranjan Kumar, the petitioner has been taken on remand in the present case and he is in custody in connection with this case since 30.10.2021, investigation against him is complete and



his presence may also 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 Special Judge, Excise, Patna in connection with Special Case No.5058 of 2021 arising out of Parsa Bazar P.S. Case No.295 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)

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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'.

