

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27422 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- WARISNAGAR District- Samastipur

BIRENDRA @ VIRENDRA KUMAR S/O ATTAR SINGH R/o village-
Dinod, P.S.- Bhiwani, District- Bhiwani, Haryana

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 23-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Waris Nagar P.S. Case No. 287 of 2020 registered for the offences punishable under Sections 467, 468, 471, 120B of the I.P.C. and Sections 41(1), 36, 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, on secret information the informant along with other police officials intercepted a vehicle and recovered 3104.25 litres of illicit liquor. Two persons including the petitioner were apprehended by the police at the spot.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Name of the petitioner has been transpired in the confessional statement which has been recorded by the police. Petitioner is driver of the truck in question. Learned counsel further submits that co-accused Jitendra Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 22.10.2021 passed in Cr. Misc. No. 27861 of 2021. Petitioner is in custody since 22.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Samastipur in connection with Waris Nagar P.S. Case No. 287 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

