

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28024 of 2021**

Arising Out of PS. Case No.-205 Year-2020 Thana- GUTHANI District- Siwan

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ALOK RAJBHAR @ JAIPRAKASH RAJBHAR S/O SAJJAN RAJBHAR
RESIDENT OF VILLAGE GYASPUR, P.S-GUTHANI, DISTRICT-SIWAN.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP.

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

2 22-11-2021 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 Guthani P.S. Case No. 205 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

200 litres of liquor is said to have been recovered from an abandoned hut. It is also alleged that petitioner fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has



falsely been implicated in the present case. Nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the abandoned hut in Diara and same does not belong to the petitioner. Petitioner has clean antecedent and is in custody since 17.02.2021.

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, Siwan in connection with Guthani P.S. Case No. 205 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)

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