

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31220 of 2021**

Arising Out of PS. Case No.-16 Year-2021 Thana- SAHJAHANPUR District- Patna

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KAUSHAL KUMAR SON OF BRIJNANDAN PRASAD R/O VILLAGE-  
HARI NAGAR, P.S.- SHAHJAHANPUR, DISTRICT- PATNA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

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

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP.

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

2      26-11-2021                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State in virtual court.

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 Special Case No. 965 of 2021 arising out of Shahjahanpur P.S. Case No. 16 of 2021 registered for the offence punishable under Section 30(a)(d) of Bihar Prohibition and Excise Amendment Act, 2018.

According to prosecution case, having received secret information the informant along with other police officials checked a pickup van and 874.2 litres of illicit liquor was recovered from the said vehicle. The petitioner was arrested on the spot.



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. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted the petitioner is a mechanic and co-accused Ranjit Kumar called him for repairing the vehicle and all persons seeing the police fled away but petitioner was arrested. Learned counsel further submits that petitioner has no concern with the pickup van nor with the seized liquor. Petitioner is in custody since 07.02.2021. Petitioner carries one criminal antecedent.

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 Special Judge, Excise, Patna in connection with Special Case No. 965 of 2021 arising out of Shahjahanpur P.S. Case No. 16 of 2021, 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/-

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