

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34084 of 2021

Arising Out of PS. Case No.-273 Year-2020 Thana- SIMRI District- Darbhanga

MUNESH KUMAR Son of Suresh Resident of Village - Khanpur Kala,
Kashipuri, P.S.- Sadar Gohana, Distt.- Sonipat (State Hariyana).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Simri P.S. Case No. 273 of 2020 (G.O. No. 1437 of 2020) registered for the offence under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and Excise Act.

Recovery is of 1241.8 liters of illicit foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact,



nothing has been recovered from the conscious possession of the petitioner. The petitioner happens to be co-driver of the alleged vehicle from which the recovery has been made. He is nowhere concerned with the alleged recovery of illicit wine. Moreover, the co-accused, namely, Kishan Sahni, having more or less similar allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 28.10.2021 passed in Cr. Misc. No. 25974 of 2021. The petitioner is rotting in judicial custody since 22.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional District Judge-II -cum- Special Judge, Excise, Darbhanga in connection with Simri P.S. Case No. 273 of 2020 (G.O. Case No. 1437 of 2020) with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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