

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36733 of 2021**

Arising Out of PS. Case No.-523 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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PRAKASH KUMAR S/O RAM NARESH PRASAD R/o Mohalla- Aam
Gola, Pankha Toli, Badhai Tola, P.S.- Kazi Mahmmadpur, District-
Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. A.P.P.

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

2 03-12-2021 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 Sadar

P.S. Case No. 523 of 2020 registered for the offence under

Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 4.500 liters of wine.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. In fact, nothing has been recovered

from the conscious possession of the petitioner rather the



alleged recovery of illicit liquor has been recovered from the house of the co-accused, namely, Anuj Kumar, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.03.2021 passed in Cr. Misc. No. 5331 of 2021. The petitioner is rotting in judicial custody since 18.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having two more identical cases other than the present one, which is evident from the paragraph-3 of the petition itself.

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 Special Judge, Excise, Muzaffarpur in connection with Sadar P.S. Case No. 523 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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