

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37202 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- VAISHALI District- Vaishali

Subodh Kumar @ Subodh Rai S/O- Gagandeo Rai Resident of Village-
Karneji, P.S.- Vaishali (Belsar O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand

For the Opposite Party/s : Mr.Md.Iftekhari Mahmood

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021 At the outset, learned counsel for the petitioner submits that in paragraph – 3 of the bail petition, an error has occurred. It has wrongly been typed that petitioner has fair antecedent, whereas, petitioner is accused in one more case. Accordingly, he requests for making correction in the bail petition.

Permission is accorded. It may be done within a period of two weeks from today.

Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Vaishali (Belsar O.P.) P.S. Case No. 73 of 2021, registered for the offence under Section 414 of the I.P.C. and Sections 30(a), 41, 52 of Bihar Prohibition and Excise Act.



1433 liters & 88 ml. of foreign liquor has been recovered from a pick-up van, of which, this petitioner was travelling and was arrested on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Petitioner is neither owner nor driver of the vehicle in question. He was simply a co-passenger. Petitioner is in custody since 07.03.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. 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 Sessions Judge – II cum Excise Court, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 73 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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