

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37311 of 2021**

Arising Out of PS. Case No.-92 Year-2021 Thana- BARUN District- Aurangabad

MITHILESH RAM SON OF LATE RACHAN RAM @ LATE BACHAN
RAM Resident of Village- Chura Makhra, P.S.- Bauri, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**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 Barun P.S. Case No. 92 of 2021 corresponding to Special Case No. 524 of 2021 registered for the offence under Sections 30(a), 37(b)(c) of the Bihar Excise Prohibition Act, 2018.

Recovery is of 307.500 liters of country made 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. Neither the alleged recovery has been made from the conscious possession of the petitioner nor he is engaged in any illegal trading of illicit liquor. Merely on the basis of suspicion, this petitioner has been made accused in this case. The petitioner has no concern with the alleged recovery of liquor. The petitioner is rotting in judicial custody since 10.04.2021.

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 & Sessions Judge- II- cum- Special Judge, Excise, Aurangabad in connection with Barun P.S. Case No. 92 of 2021 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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