

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37362 of 2021**

Arising Out of PS. Case No.-70 Year-2021 Thana- MUSAHARI District- Muzaffarpur

SUDHIR MISHRA @ BAHADUR S/o Arbind Kumar Mishra R/o village-
Dwarika Nagar, P.S.- Mushari, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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

2 03-12-2021 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 Mushari P.S. Case No. 70 of 2021 registered for the offences punishable under Sections 272, 273, 34 of the IPC and Section 30(a) of the Excise Act.

There is recovery of 51.840 litres of illicit liquor from a car.

Learned counsel for the petitioner submits that petitioner has clean antecedent 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 that on the basis of confessional statement of co-accused Navin Kumar, name of the petitioner has been transpired in the present case. Learned counsel for the petitioner further submits that co-accused Naveen Kumar @ Naveen has been granted bail by a co-ordinate Bench of this court vide order dated 22.09.2021 passed in Cr. Misc. No. 37849 of 2021. Petitioner is in custody since 28.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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, Muzaffarpur in connection with Mushari P.S. Case No. 70 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)

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