

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39056 of 2021

Arising Out of PS. Case No.-457 Year-2020 Thana- MAHUA District- Vaishali

RAJESH KUMAR Son of Surendra Rai Resident of Village - Chak Faij Ward
No. 5, P.S.- Patepur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-12-2021 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 Mahua

P.S. Case No. 457 of 2020 registered for the offence under

Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar

Prohibition and Excise Act.

Recovery is of 158 cartoons of foreign liquor from

the Pick up Van.

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 rather the alleged recovery has been made from the Pick up Van. The petitioner has no concern with the alleged recovery or the vehicle in question. Moreover, the co-accused, namely, Raj Kumar, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.03.2021 passed in Cr. Misc. No. 1804 of 2021. The petitioner is rotting in judicial custody since 04.03.2021.

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 Sessions Judge-II- Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 457 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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