

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45438 of 2021

Arising Out of PS. Case No.-46 Year-2019 Thana- JOGBANI District- Araria

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ARVIND SAH Son of Narayan Sah Resident of Village - Kalhaua, Ward no.5,
P.S.- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

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 Jogbani P.S. Case No. 46 of 2019 registered for the offences punishable under Sections 30(a)/38(i) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 180 litres of Nepali liquor.

Learned counsel for the petitioner submits that petitioner is innocent 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. Name of the petitioner has been transpired on the basis of confessional statement of co-accused Arjun Kumar Manal. It is further submitted that co-accused Arjun Kumar Manal @ Arjun Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 10.04.2019 passed in Cr. Misc. No. 18021 of 2019.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

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 Act) cum 2nd Additional Sessions Judge, Araria in connection with Jogbani P.S. Case No. 46 of 2019, Special Case No. 255 of 2019, 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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