

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45409 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

RAHUL KUMAR S/o Devendra Sah @ Jitendra Sah R/o village- Kancha
Mohaddi Nagar, P.S.- Vidyapati, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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 CNR No. BRVA010011272021 arising out of Hajipur Sadar P.S. Case No. 79 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

There is recovery of 928.80 litres of illicit country made foreign liquor from the house of co-accused Fekan Singh.

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 it appears from the FIR itself that alleged recovery has been made from the house of co-accused Fekan Singh. Petitioner is renter in the house of co-accused Fekan Singh. Petitioner is in custody since 30.01.2021.

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 Additional Sessions Judge-II cum Excise Court, Hajipur at Vaishali in connection with CNR No. BRVA010011272021 arising out of Hajipur Sadar P.S. Case No. 79 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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