

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46081 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- TAJPUR District- Samastipur

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AVINASH KUMAR @ KARI Son of Ram Prikshan Chaurasiya Resident of
Village - Bhagwanpur Desua, Police Station - Ujiyarpur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Tajpur P.S. Case No. 54 of 2021 registered for the offences punishable under Sections 30(a), 41(i)(ii) of Bihar Prohibition and Excise Act, 2016.

There is recovery of 115.2 litres of IMFL from a Scorpio bearing Registration No. BR01PD-2533.

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. Petitioner is driver of vehicle in question. He has no concern with the seized vehicle or liquor in question. It is further submitted that co-accused Avinash Kumar @ Abinash Kumar @ Avinash Kumar Ray has been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 01.11.2021 passed in Cr. Misc. No. 45388 of 2021. Petitioner is in custody since 06.02.2021.

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-IIInd, cum Special Judge, Excise Act, Samastipur in connection with Tajpur P.S. Case No. 54 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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