

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47899 of 2021

Arising Out of PS. Case No.-216 Year-2021 Thana- GOGRI District- Khagaria

Md. Arman Son of Md. Baijul Resident of Village - Goraiyabathan, P.S.-
Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-12-2021 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 Gogri P.S. Case No. 216 of 2021 registered for the offences punishable under Sections 37(C) of the Bihar Prohibition and Excise Act, 2016 and Section 25(1-B)A, 26, 35 of Arms Act.

According to prosecution case, during the course of enquiry the police found smell of wine was coming from his mouth, thereafter search was made and found alive cartridges of 315 bore from his Pant's pocket and a motorcycles has been recovered.



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, he has no concern with the alleged motorcycle. Petitioner is in custody since 21.05.2021.

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 3rd Additional District Judge-cum-Special Judge (Excise), Khagaria in connection with Gogri P.S. Case No.216 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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