

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48508 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

SANDEEP KUMAR Son of Anuj Prasad Chandrabansi Resident of Village -
Rajiv Nagar Road No.7, P.S.- Rajiv Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 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 Excise Case No. 356 of 2021 arising out of Makdumpur P.S. Case No. 165 of 2021 registered for the offences punishable under Section 279 of the IPC and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 186 litres of beer from a car.

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. It is further submitted that it appears from the FIR itself that alleged recovery has been made from one car and petitioner is driver of the said car. It is further submitted that only on the basis of suspicion petitioner has been implicated in the present case. Petitioner is in custody since 15.04.2021.

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 Additional Sessions Judge- 2nd cum Special Judge, Excise, Jehanabad in connection with Excise Case No. 356 of 2021 arising out of Makdumpur P.S. Case No. 165 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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