

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48414 of 2021**

Arising Out of PS. Case No.-20 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

SUNIL BIND S/o PYARE BIND R/o VILLAGE-DUMARIYA, P.S.-
CHAINPUR, DISTRICT-KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise Case No. 160 of 2021 arising out of Chainpur P.S. Case No. 20 of 2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act and Section 3/4 of the Bihar Mahuwa Flower Act.

Recovery is of 10 liters of country made liquor and 25 Kg. of Mahuwa Flower.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the house of the petitioner, which is a joint family property. According to the F.I.R., altogether six persons have been made accused in this case for the alleged recovery of country made liquor and Mahua Flower, therefore, the petitioner only cannot be liable to be prosecuted for the alleged recovery. The petitioner has no concern with the alleged recovery. The police after investigation has submitted charge-sheet in this case. The petitioner is rotting in judicial custody since 15.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that two more cases other than the present one are pending against the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-II -cum- Special Judge, Kaimur at Bhabhua in connection with Excise Case No. 160 of 2021 arising out of Chainpur P.S. Case No.20 of 2021 with



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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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