

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49061 of 2021

Arising Out of PS. Case No.-12 Year-2019 Thana- RAGHUNATHPUR District- Siwan

RAJU BIN, Son of Ramdayal Bin @ Ramdayal Resident of Village- Rakauli,
P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Sanjay Kumar

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.

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 Raghunathpur P.S. Case No. 12 of 2019 registered for the offences punishable under Sections 30(a),(c),(d), 38 (A) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case, 216 litres of illicit liquor has been recovered from the possession of the petitioner

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. He further submits

that nothing has been recovered from the possession of the petitioner. Learned counsel further submits that from perusal of F.I.R. itself, it appears that there is planned story of the police. Petitioner is in custody since 16.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail and submits that the petitioner carries three criminal antecedents.

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, Siwan, in connection with Raghunathpur P.S. Case No. 12 of 2019, 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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