

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49570 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- NOKHA District- Rohtas

DEO KUMAR Son of Ram Ayodhya Singh Resident of Village - Gangahar,
P.S. Nokha, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, 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 Nokha P.S. Case No. 55 of 2021 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

There is recovery of 2746.44 litres of illicit alcohol.

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. He further submits that no incriminating article has been recovered



from conscious possession of the petitioner. It is further submitted that name of the petitioner has been transpired on the basis of confessional statement of co-accused Dharmjeet Kumar. It is further submitted that it appears from the FIR and seizure list itself that recovery was made from a Pickup Van which had been parked in front of a primary school. Petitioner has no concern with the alleged recovery or the vehicle in question. It is further submitted that co-accused Dharmjeet Kumar has been granted bail by this court vide order dated 07.12.2021 passed in Cr. Misc. No. 36682 of 2021. Petitioner is in custody since 31.05.2021.

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 Additional Sessions Judge-2nd cum Special Judge, Excise, Rohtas at Sasaram in connection with Nokha P.S. Case No. 55 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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