

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50228 of 2021

Arising Out of PS. Case No.-461 Year-2021 Thana- BIHTA District- Patna

Rahul Prasad Son of Ramesh Sah Resident of Village- Aayar Kashi Chouk,
P.S.- Aayar, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Bihta P.S. Case No. 461/2021 arising out of special case no. 4111/2021 registered for the offences punishable under Section 30(a) of the Bihar prohibition & Excise Amendment Act, 2018.

The prosecution story in brief is that total 128.160 Litres illegal liquor recovered from possession of the accused persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He has further submitted that nothing has been recovered from conscious possession of the petitioner. He further submits that the petitioner has no concern with the said motorcycle in question. That the petitioner is in custody since 08.07.2021.

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 Special Judge Excise, Patna in connection with Bihta P.S. Case No. 461/2021, Special case no. 4111/2021 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.

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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