

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49642 of 2021

Arising Out of PS. Case No.-156 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

NAFISH Son of Babu Khan Resident of Village- Bukharipur, P.S.- Adampur,
District- Amroha (U.P), At Present Address- C/o of Munne S/o Sadik, R/o
Village- Hasanpur, P.S.- Kotwali, District- Amroha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Patel

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-12-2021 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 Durgawati P.S.
Case No. 156 of 2021 registered for the offences punishable
under Sections 30(a), 36, 41(1) of the Bihar Prohibition and
Excise Amendment Act, 2018.

There is recovery of 2232 litres of illicit liquor from a
truck.

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 it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner rather the said recovery has been made from the vehicle in question. Petitioner is in custody since 16.07.2021.

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), Kaimur at Bhabua in connection with Durgawati P.S. Case No. 156 of 2021, subject to the following conditions:-

1. Both the bailors shall be the resident of territorial jurisdiction of the learned court below.

2. 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.



3. 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.

4. 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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