

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50234 of 2021

Arising Out of PS. Case No.-157 Year-2021 Thana- KATORIYA District- Banka

Rahul Bharti aged about 25 years Sex-Male, son of Mahesh Prasad Singh,
Resident of village-Karki, Police Station-Ariyari, Distt-Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha, 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 Katoriya P.S. Case No. 157/2021 arising out of (Special Excise Case No. 403 of 2021) registered for the offences punishable under Section 30(a), 3292), 26(d) of the Bihar prohibition & Excise Act.

The prosecution story in brief is that total 164.64 litres illegal liquor were recovered from the seized car which was driving by the petitioner.

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 it appears from the FIR itself, that nothing has been recovered from conscious possession of the petitioner, recovery has been made from the car in question. That the petitioner is in custody since 17.06.2021.

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-II, Banka in connection with Katoriya P.S. Case No. 157/2021 (Special Excise Case no. 403 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.

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 their 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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