

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63952 of 2021**

Arising Out of PS. Case No.-330 Year-2021 Thana- PHULWARIYA District- Gopalganj

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VIJAY KUMAR SAH Son of Paras Sah Resident of Village - Rasulpur
Majhauriya, P.S. - Marhawra (Gaura O.P.), District - Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-12-2021 The present matter has been taken up on the basis of motion slip filed on behalf of the petitioner on the ground that petitioner's mother has died on 23.11.2021 and her last ritual has to be performed on 09.12.2021.

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 Phulwariya P.S. Case No. 330 of 2021 registered for the offences



punishable under Sections 420/34 of the IPC, Section 182 (A) (4)/177/179 of Motor Vehicles Act and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 133.2 litres of illicit foreign liquor from a Maruti Suzuki Car.

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. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that as per allegation the recovery is of 133.2 litres of liquor from white coloured Maruti Suzuki car bearing Registration No. UP 65DE 1675 and the said car does not belong to the petitioner. Petitioner is in custody since 14.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties and 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, Gopalganj in connection with Phulwariya



P.S. Case No. 330 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.

The learned trial court is directed to verify the genuineness of factum of death of



**mother of the petitioner before release of the
petitioner on bail.**

(Rajesh Kumar Verma, J)

shahzad/-

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