

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1990 of 2022

Arising Out of PS. Case No.-303 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

MD. SAHID @ SAHID PRADHAN @ SAHID REZA Son of Late Md. Din
Ali @ Late Md. Ali Resident of Dhanigachh, Sonapur, P.S.- Chopra, District-
Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2022 Let the defects, as pointed out by the office, be
removed within four weeks of starting of Court proceeding in
physical mode in normal course.

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

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 36, 41 of Bihar
Prohibition and Excise Act, 2016.

Recovery is of 1466.64 litres of illicit foreign liquor.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case. He
further submits that it appears from the F.I.R. as well as seizure
list nothing has been recovered from the conscious possession



of the petitioner rather recovery has been made from two pick-up vans in questions. The petitioner was not apprehended at the spot and the name of the petitioner has come only on the basis of confessional statement of co-accused Vikash Singh and Pintu Choudhary and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries 10 more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 374 of 2020 arising out of Kochadhaman P.S. Case No. 303 of 2020, with 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 witness, 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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