

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2733 of 2022

Arising Out of PS. Case No.-709 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

ROHIT KUMAR Son of Ramdeo Ray Resident of Village - Lodipur
Rambhdra, P.S.- Hajipur Town, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-06-2022 Heard learned counsel for the petitioner and the
State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

Allegedly, 300 liters of country made wine was recovered from a tempo kept in Jute bags and the petitioner was found travelling in the said tempo.

The main submissions advanced by the learned counsel for the petitioner are that petitioner has been falsely implicated in this case. In fact, co-accused namely, Ram Pravesh Rai asked the petitioner to reach at the place fixed by the said co-accused and petitioner was given Rs 2000/- for carrying said liquor. Further submission is that petitioner has got no criminal



antecedent and has been languishing in jail for about ten months.

Learned APP opposed the prayer for bail and submitted that the petitioner was apprehended with alleged liquor.

I have heard both sides, perused the FIR and seizure list. Petitioner is stated to be driver of the alleged tempo from where alleged wine was recovered and as per FIR co-accused Ram Pravesh Rai is stated to be the main accused and the petitioner having no criminal antecedent as reflects from para 3 of the petition and moreover, as per order of the learned court below, trial of the petitioner is at initial stage.

Considering these facts, in my view, a lenient approach may be taken. Let the petitioner 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 Additional Sessions Judge II-cum- Special Judge, Excise, Vaishali at Hajipur in Hajipur Sadar Police Station Case No. 709 of 2021 on 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 below and shall remain physically present as directed by the



Court below and on his/her absence on two consecutive dates without sufficient reason, his/her 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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