

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2703 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- KHUSRUPUR District- Patna

BOBBY KUMAR Son of Manoj Ram Resident of Village - Govindpur,
Paschimi Tola, P.S. - Khushrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and the

State.

Petitioner seeks regular bail in a case registered for
the offence punishable under sections 30(a), 33, 34, 36, 56 (c)
of the Bihar Prohibition and Excise Amendment Act.

Petitioner is alleged to be involved in illegal
manufacturing of illicit wine.

The main submissions advanced by the learned
counsel for the petitioner are that petitioner has criminal
antecedent of two cases which do not relate to Excise Act. A co-
accused in whose house alleged recovery is said to have been
made has been granted bail by a bench of this court vide order
dated 25.05.2022 passed in Cr. Misc. no. 13371 of 2022 and
other co-accused whose case is also similar with this petitioner



has been granted bail by a bench of this court vide order dated 8.6.2022 passed in Cr. Misc. no. 69684 of 2021. Petitioner has been languishing in jail since 31.10.2021 and alleged place of recovery does not belong to the petitioner.

Learned APP opposes the prayer for bail.

Having considered the above submissions and mainly the fact that co-accused persons carrying similar nature of allegation are enjoying privilege of bail granted by this Court vide orders passed in the above mentioned miscellaneous cases and also considering the petitioner's custody period, 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 Special Judge, Excise, Patna in Special Case no. 5710 of 2021 arising out of Khushrupur Police Station Case No. 217 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 other than the two cases mentioned in para 3 of this petition 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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