

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9602 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Saroj Kumar Gupta Son of Dukha Shah @ Dukha Prasad Resident of Village-
Rajopatti Ward No.7, P.S.- Mahsoul Nagar (Sitamarhi), District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 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 Section 30(a) of the Bihar Prohibition

and Excise Amendment Act.

Recovery is of 216 litres of Nepali liquor.

Learned counsel for the petitioner submits that the

petitioner has clean antecedents and he has been falsely

implicated in the present case only on the basis of suspicion. He

further submits that it appears from the F.I.R. that nothing has



been recovered from the conscious possession of the petitioner rather recovery has been made from one Auto in question and the petitioner is neither the driver nor the owner of the Auto in question and Similarly situated co-accused Sayindar Mahto @ Sahindar mahto has been granted bail by this Court vide order dated 13.06.2022 in Cr. Misc. No. 8055 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with G.O. . Case No. 176 of 2021, 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 antecedents, 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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