

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10135 of 2022

Arising Out of PS. Case No.-165 Year-2019 Thana- BARGAINIA District- Sitamarhi

BAIDYANATH RAUT S/o Vishwambar Raut Resident of Village - Bakhari,
P.S. - Bairstania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 30(a) and 41 of the Bihar
Prohibition and Excise Act.

Recovery is of 473.40 liters of Nepali Sufi liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case on the basis of suspicion. He further
submits that the merely on the basis of confessional
statement of the co-accused persons, this petitioner has
been apprehended in this case. He further submits that
nothing has been recovered from the conscious possession



of the petitioner rather the alleged recovery has been made from the bags kept over the motorcycle and the petitioner has no concern with the alleged recovery. He further submits that similarly situated co-accused, namely, Raghubir Kumar @ Raghuvir Kumar along with Golprit Kumar @ Gurprit Kumar and Virsakal Yadava @ Virsakl Yadav Birsakal Yadava along with Anand Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2021 and 21.10.2019 passed in Cr. Misc. No. 60067 of 2019 and Cr. Misc. No.60305 of 2019, respectively. The petitioner is rotting in judicial custody since 17.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Bairgania P.S. Case No. 165 of 2019 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

