

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11449 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

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Madhav Sarkar Son Of Chandni Sarkar R/O - Siliguri Champa Parari, Ward
No.-40, P.S.- Pradhan Nagar (MALAGARI), District- Darjeeling (WEST
Bengal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan,Adv

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 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
offence punishable under Sections 272 and 273 of the IPC and
Sections 30(a),32,41,47 of the Bihar Prohibition and Excise Act,
2016.

Recovery is 900 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that it appears



from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Pick-Up Van in question and the petitioner is driver of the said Pick-Up Van. He further submits that he has no concern at all with the alleged recovery. He further submits that the similarly situated co-accused, namely, Khokan Das has been granted bail by this Hon'ble Court vide order dated 15.06.2022 in Cr. Misc. No.9995 of 2022 and the petitioner is in custody since 18.08.2021.

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 petitioner, above named, 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 Special Case No.332 of 2021 arising out of Kochadhaman P.S. Case No.231 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/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 bailors should be the family member/brother/father/wife of the petitioner.

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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