

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16701 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- SONEPUR District- Saran

Rupesh Kumar Son Of Sudish Prasad @ Late Ramchandra Prasad Resident
Of Village- Unahchak, P.S.- Dighwara, District- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-07-2022 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 Sections 30(a)/38/41(i) of the Bihar Excise Prohibition Act, 2016.

Recovery is of 93.870 litres of English wine.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case only on the basis of disclosure made by co-accused namely Chhote Lal Rai. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious



possession of the petitioner rather recovery has been made from one tempo in question and co-accused Chhote Lal Rai was apprehanded with the alleged illegal wine. He further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one.

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 Sonapur P.S. Case No. 297 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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