

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18578 of 2022**

Arising Out of PS. Case No.-212 Year-2018 Thana- NAWANAGAR District- Buxar

Chhote Kumar @ Chhotu Son of Late Ramraj Sah Resident of Village -
Kopawa, P.S.- Koransarai, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-08-2022 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, 2018.

Recovery is of 3556 litres of foreign liquor.

Learned counsel for the petitioner submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from



the truck in question and the petitioner has no concern with the alleged recovery or the truck in question. He further submits that simialrly situated co-accused persons namely Santosh yadav and Ashok Yadav @ Nagendra Kumar Singh have been granted anticipatory bail by a Coordinate Bench of this court vide order dated 31.01.2019 in Cr. Misc. No. 5512 of 2019 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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 Nawanagar P.S. Case No. 212 of 2018, 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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