

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18445 of 2022**

Arising Out of PS. Case No.-176 Year-2018 Thana- MAHESHKHUNT District- Khagaria

SARVESH KUMAR @ SARVESH CHAURASIA Son of Late Uday Van
Prasad Chaurasia R/O Village - Gopalpur, P.S.- Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.A.P.P.

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

2 29-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

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

Recovery is of 33.75 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R. but merely on the
basis of confessional statement of the co-accused, Arbind
Singh, he has been made accused 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 Tata Safari vehicle. He further submits that neither the petitioner has been arrested from the spot nor he has got any concern with the alleged liquor. He further submits that save and except the confession of the co-accused, no cogent material is available on record against the petitioner. The petitioner is rotting in judicial custody since 28.01.2022.

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

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 Maheshkhut P.S. Case No. 176 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/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	
---	--	---	--

