

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29770 of 2021

Arising Out of PS. Case No.-127 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

1. Raju Goar @ Raju Kumar S/O Jagdish Ram Resident Of Village-Karwandia, Fazilpur, Police Station-Sasaram (M), District-Rohtas
2. Shivam Chaudhary @ Shivam Kumar Singh S/O Vinod Singh @ Vinod Kumar Singh R/O Village-Karwandia, Ward No.3, Police Station-Sasaram (M), District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-06-2022 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.

Learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 2, namely Shivam Chaudhary @ Shivam Kumar Singh has already been arrested and as such his anticipatory bail application has become infructuous.

As prayed, the anticipatory bail petition as against petitioner no. 2 namely Shivam Chaudhary @ Shivam Kumar Singh is permitted to be withdrawn and is dismissed as such.

Heard learned counsel for the petitioner no. 1 and learned APP for the State.



The petitioner nos. 1 is apprehending his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 207 litres of illegal liquor from the Maruti Car.

Learned counsel for the petitioner no. 1 submits that the petitioner is quite innocent and has committed no offence. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the Maruti Car in question and the petitioner has no concern with the vehicle in question or illegal liquor.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner no. 1 carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner no. 1, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Sasaram (M) P.S. Case No. 127 of 2018, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 1 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 no. 1 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 no. 1 and in case at any stage, it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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)

Ibrar//-

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



