

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19512 of 2022**

Arising Out of PS. Case No.-161 Year-2019 Thana- KAHALGAON District- Bhagalpur

FAKIR DAS S/o Late Narayan Das Resident of Village- Alang Harizon tola,  
P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kamal Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

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

2      08-08-2022              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 offence punishable under Sections 188, 290 of IPC and Section 30(a), 56 (d) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 573 liters of country made liquor.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired only on the basis of the disclosure made by co-accused persons. Further submits that in fact the petitioner was not apprehended on the spot and nothing has been



recovered from conscious possession of the petitioner. Further submits that co-accused persons namely, Sanjay Kumar and Sitaram Mandal have already been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.05.2019 in Cr.Misc. No.31962 of 2019 and the petitioner is in custody since 15.01.2022.

Learned A.P.P. 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/- (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 Kahalgaon (Ghoga) P.S. Case No.161 of 2019, 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.

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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