

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22184 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- GAURICHAK District- Patna

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Tuntun Bind @ Tunatun Bind Son of Late Yadu Bind Resident of Village -
Chakniyamat, P.S. - Gaurichak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate.

For the Opposite Party/s : Ms. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

Recovery is of total 220 litres of illicit country made
Mahua liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the name
of the petitioner has been transpired on the basis of confessional



statement of co-accused namely Savitri Devi and Nilu Devi. He further submits that the petitioner would not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that similarly situated, co-accused, namely, Lakshman Bind and Bakhori Bind have been granted bail by a Co-ordinate Bench of this Court vide order dated 15.04.2022 passed in Cr. Misc. No. 17700 of 2022, under the accused persons namely Sanju Bind @ Sanju Bind has been granted bail vide order dated 05.08.2022 passed in Cr. Misc. No. 19524 of 2022 respectively. The petitioner is in custody since 03.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Gaurichak P.S. Case No. 101 of 2021, subject to 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 witnesses, 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 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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