

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34099 of 2021

Arising Out of PS. Case No.-426 Year-2019 Thana- TAJPUR District- Samastipur

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GIRDHARI KUMAR S/O Shiv Balak Bhagat Resident of Village- Adharpur,
P.S. - Samastipur Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Tajpur P.S.
Case No. 426 of 2019 (Computer registration no. 1570 of 2019)
registered for the offences punishable under Sections 30(a),
41(i) (ii) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 2908.8 litres of illicit foreign



liquor from Hyva truck.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been implicated in the present case on the basis of disclosure made by the chowkidar. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from Hyva truck in question. He further submits that petitioner has no concern with the alleged truck in question. He further submits that police after investigation submitted charge sheet against the petitioner. He further submits that co-accused Sudhir Rai has been granted bail by a co-ordinate Bench of this court vide order dated 14.05.2020 passed in Cr. Misc. No. 6240 of 2020. Similarly, co-accused Shishu Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 08.02.2021 passed in Cr. Misc. No. 40477 of 2020. Petitioner is in custody since 23.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries four criminal antecedent.

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 Additional Sessions Judge cum Special Judge, Excise, Samastipur in connection with Tajpur P.S. Case No. 426 of 2019 (Computer registration no. 1570 of 2019), 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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