

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31091 of 2021**

Arising Out of PS. Case No.-268 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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LUV KUMAR S/o Lal Bahadur Ray Resident of Village- Ramauli, P.S.-
Gaighat (Benibad O.P.), Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Nitu Kumari, Adv

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

2 08-06-2022 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.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner 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 96 liters of foreign liquor.

Learned counsel for the petitioner submits that the

petitioner has clean antecedent. He has falsely been implicated

in the present case only on the basis of suspicion. He further

submits that nothing has been recovered from conscious



possession of the petitioner rather the recovery has been made from Verandah of the house of the petitioner and in fact the father of the petitioner has been arrested on the spot and the petitioner was not apprehended.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, 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 (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 Muzaffarpur Excise Case No.268 of 2020 (P.R.No.10 of 2020), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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