

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32476 of 2021**

Arising Out of PS. Case No.-274 Year-2020 Thana- JAHANABAD District- Jehanabad

SUBHAM MISHRA @ SUBHAM KUMAR MISHRA @ BABA S/O  
PURUSHOTTAM NARAYAN MISHRA R/o village- Dhivara Par, Gayatri  
Nagar, P.S.- Thakurbari Thana, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Awadhesh Kumar Mishra

For the Opposite Party/s : Mr.Satya Nand Shukla

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

6      11-03-2022                      Supplementary affidavit has been filed on behalf of  
the petitioner for making necessary correction in prayer portion  
of the main bail petition.

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 the  
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Excise  
Case No. 416/ 2020 corresponding to Jehanabad P.S. Case No.  
274/ 2020 registered for the offences under Sections 30(a), 37(c)



of the Bihar Prohibition and Amendment Excise Act, 2018.

There is recovery of 5.250 liters of foreign liquor from the Khalihan and 41 litres of foreign liquor from half constructed house.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner was not apprehended on the spot. He further submits that the name of the petitioner has transpired on the basis of confessional statement of co-accused Nagendra Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused Golu Kumar @ Golu Giri has been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 29.01.2021 in Cr. Misc. No. 31431 of 2020 and another co-accused, namely, Deepak Kumar has also been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 05.04.2021 in Cr. Misc. No. 18147 of 2021 and the petitioner is in custody since 07.12.2020.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner submitting that petitioner carries eight criminal antecedent.



Considering the fact 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 Additional Sessions Judge-II cum Special Judge, Excise, Jehanabd in connection with Excise Case No. 416/ 2020 corresponding to Town P.S. Jehanabad Case No. 274/ 2020 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)**

shahzad/-

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