

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34010 of 2021

Arising Out of PS. Case No.-175 Year-2017 Thana- ATRI District- Gaya

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Karu Rajwanshi Son of Late Kishun Rajwanshi @ Brahamdeo Rajwanshi
Resident of Village - Arai, P.S.- Atri, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

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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 Atri P.S. Case

No. 175 of 2017 registered for the offences punishable under

Sections 272, 273 of the Indian Penal Code and Section 30(a)(d)

of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, on search two liters

Mahua wine, one big drum, Aluminium tasla, 25 kg. Mahua

solution, plastic bag and wine manufacturing apparatus were

recovered has been recovered from the open place (forest).



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from Jethial forest. The petitioner is in custody since 01.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail, submitting that petitioner carries six criminal antecedents.

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 A.D.J.-II-cum-Special Judge, Excise, Gaya in connection with Atri P.S. Case No. 175 of 2017, 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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