

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24264 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- GAMAHARIYA District- Madhepura

Arun Kumar Jaiswal @ Arun Chaudhary son of Narayan Chaudhary, R/o
Raghopur, P.S. Raghopur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 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 APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 120(B) of the Indian Penal Code and Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 3897.085 litres of illicit wine.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the name of the petitioner has been transpired only on the basis of confessional statement of co-



accused persons. He further submits that in fact the petitioner was not apprehended at the spot and nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the truck in question. He further submits that similarly situated co-accused person namely Pawan Kumar has been granted bail vide order dated 03.03.2022 in Cr. Misc. No. 61832 of 2021, another co-accused person namely Uday Kumar Yadav @ Uday Kumar @ Uday Yadav has been granted bail vide order dated 08.03.2022 in Cr. Misc. No. 66852 of 2021, another co-accused person namely Nandan Kumar has been granted bail vide order dated 11.03.2022 in Cr. Misc. No. 72017 of 2021 and another co-accused person namely Mukesh Kumar @ Mukesh Yadav has been granted bail vide order dated 24.03.2022 in Cr. Misc. No. 49648 of 2021 respectively and the petitioner is in custody since 02.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Gamharia P.S. Case No. 120 of 2021, with the following conditions



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(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 witness, 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 antecedents, 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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