

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29218 of 2022

Arising Out of PS. Case No.-964 Year-2020 Thana- AHYAPUR District- Muzaffarpur

KRISHNA MOHAN SAH @ KISHAN RAJ S/o Durga Sah R/o Jhitkatiya,
P.S.- Brahmpura, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-08-2022 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 offence punishable under Sections 272,273,34 of the IPC and Sections 30(a),36 of the Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 3355.930 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case on the basis of suspicion. He further submits that it appears from the FIR that altogether 3355.930.58 liters of foreign liquor was recovered from the



Truck and two Pick-Up Van in question. Further submits that the petitioner has no concern at all with the alleged recovery and in fact the petitioner is son of the owner of the land in which the truck and pick-up van were standing there. Further submits that in fact the petitioner has no concern at all with the truck, pick-up van and scooty. Further submits that co-accused, namely, Bhola Sahni @ Rajiv Kumar has already been granted bail vide order dated 05.07.2022 in Cr.Misc. No.24334 of 2021 and several other co-accused persons have also been granted anticipatory and regular bail by different Coordinate Benches of this Hon'ble Court in this case and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.03.2022.

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, 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 Ahiyapur P.S. Case No.964 of 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)

Nitesh/-

U		T	
---	--	---	--

