

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45899 of 2021**

Arising Out of PS. Case No.-199 Year-2021 Thana- SHASTRINAGAR District- Patna

KRISHNA KUMAR VISHWAKARMA Son of Basudeo Vishwakarma
Resident of village - Batan Bigha, P.S.- Banshi, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 02.06.2021 seeks
regular bail in connection with Special Case No. 3359 of 2021
arising out of Shashtrinagar P.S. Case No. 199 of 2021
registered for offence punishable under Section 30(a)/30(c) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 404 litres
of *mahua* liquor was recovered from two tin shaded room
situated in Maurya Path Musahari. Petitioner and other co-
accused were apprehended on the spot while they were selling



the *mahua* liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner belongs to village *Batan Bigha* in District Arwal and he was apprehended while he was searching the house of his friend on the place of alleged seized liquor. She further submits that petitioner has clean antecedent and being innocent he is in custody since 02.06.2021.

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

Considering the above mentioned facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge-Excise, Patna in connection with Special Case No. 3359 of 2021 arising out of Shashtrinagar P.S. Case No. 199 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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