

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50771 of 2021**

Arising Out of PS. Case No.-31 Year-2021 Thana- KASMA District- Aurangabad

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BIRA DAS @ MAHENDRA DAS @ MAHENDRA RAVIDAS SON OF
LATE MUNNA DAS Resident of Village - Kamlachak, P.S.- Kasma, Distt.-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP.

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

2 03-01-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

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 Kasma P.S.
Case No. 31 of 2021 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, on secret information, during
raid by the police, 102 litres of country made liquor was
recovered and two persons namely Raj Kumar Das and Raju
Paswan who were trying to flee away from the spot were
apprehended by the police.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submits that nothing has been recovered from conscious possession of the petitioner. The name of the petitioner has come in the present case on the basis of confessional statement of the apprehended accused persons namely Raj Kumar Das and Raju Paswan. Petitioner is in custody since 29.05.2021.

The learned Additional Public Prosecutor for the State opposed the prayer for bail submitting that the petitioner carries four criminal antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Addl. District and Sessions Judge-II cum Special Judge, Excise, Aurangabad in connection with Kasma P.S. Case No. 31 of 2021 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 absence on two consecutive dates without sufficient reason, his bail bond shall be canceled 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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