

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.41949 of 2022**

Arising Out of PS. Case No.-255 Year-2022 Thana- BARUN District- Aurangabad

Rahul Kumar S/o- Shankar Chaudhari R/o Village - Nageshwarpur, P.s.-  
Barun, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

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

2      11-11-2022                      Heard learned counsel for the petitioner and  
  
learned Additional Public Prosecutor for the State in the  
  
Virtual Court proceeding.

Let the defects, as pointed out by the office, be  
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Section 30(c)  
of the Bihar Prohibition of Excise Act, 2018.

Recovery is of a Gas Chulha and some utensils  
which are used to manufacture the illicit liquor.

Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that the



name of the petitioner has been transpired on the basis of the disclosure made by the co-accused namely Mangal Chaudhary. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner has no concern at all with the alleged recovery or the accused persons.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Barun P.S. Case No. 255 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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)**

sandeep/-

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