

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50775 of 2021**

Arising Out of PS. Case No.-489 Year-2021 Thana- MADHEPURA District- Madhepura

SUSHIL KUMAR @ SUSHIL KUMAR YADAV S/o- Kameshwar Yadav @
Sri Kameshwar Yadav R/O- Betauna, Ward no. -11, P.S. - Madhepura
(Bharrahi O.P.), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv

For the Opposite Party/s : Mrs.Sharda Kumari, APP

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

2 03-01-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise Case No.435 of 2021 arising out of Madhepura (Bharrahi O.P.) P.S.Case No. 489 of 2021 registered for the offence under Sections 30(a), 41(1) of Bihar Prohibition and Excise Act, 2016 and Section 120(B) of the I.P.C.

810 litres of foreign liquor of different brands was recovered from the Tractor. The same was hidden under the bags of cement.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that nothing has recovered from the conscious possession of the petitioner. The recovery has been made from one Tractor. Petitioner has no concern with the said Tractor. Petitioner is in custody since 21.06.2021.

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 Additional Sessions Judge-II, Madhepura in connection with Excise Case No.435 of 2021 arising out of Madhepura (Bharrahi O.P.) P.S.Case No. 489 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/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)

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