

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50767 of 2021

Arising Out of PS. Case No.-363 Year-2021 Thana- PURNEA SADAR District- Purnia

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ASHISH KUMAR MISHRA Son of Late Ashok Kumar Mishra Resident of
Village - Parna, P.S. - Nima Chandpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, 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 Excise Case No. 180 of 2021, arising out of Purnea Town P.S. Case No. 363 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, during the course of checking of vehicles, about 133 litres of foreign liquor was recovered and the petitioner and two other persons who were trying to flee away from the vehicle were apprehended.

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. He further submits that it appears from the F.I.R. itself that recovery has been made from the vehicle in question. Petitioner is in custody since 21.07.2021.

The learned Additional Public Prosecutor for the State opposed the prayer for bail submitting that the petitioner carries three 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 Special Judge, Excise, Purnia in connection with Excise Case No. 180 of 2021, arising out of Purnia P.S. Case No. 363 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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