

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50786 of 2021**

Arising Out of PS. Case No.-68 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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AVINASH KUMAR Son of Brahmadev Mahto Resident of Haripur, P.S.-
Alauli, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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**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 Ex.Comp.

Case No.68/2021 registered for the offence under Section

30(a)of Bihar Prohibition and Excise Act, 2018.

567 litres of illicit foreign liquor was recovered from

the vehicle.

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 nothing



has been recovered from the conscious possession of the petitioner. The recovery has been made from one Pick-up Van. Petitioner has no concern with the said Pick-up Van. Petitioner is in custody since 09.06.2021.

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-cum-Special Judge, Excise Act, Banka in connection with Ex.Comp. Case No.68/2021 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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