

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51336 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- DAGARUA District- Purnia

Sarwan Kumar @ Sarwan Bishwash @ Sharvan Kumar S/O Billu Bishwash
R/O Village- Soura Jabar, P.S.- Dagarua, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Dharmendar Kumar Singh

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

4 18-01-2022 Let the defects, if any, be removed within four weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State in virtual court proceeding.

Petitioner seeks bail in a case registered in connection with Dagarua P. S Case No. 41 of 2021 for the offences punishable under Section 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that it has been inadvertently typed in para -3 of the petition that the petitioner has no criminal antecedent whereas petitioner has one criminal antecedent in which petitioner is on bail.



As per prosecution case, On search 66.810 liters foreign made liquor was recovered besides the house of Sharwan Bishwash. Tempo and one motorcycle was also recovered.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It appears from the F.I.R that nothing has been recovered from possession of the petitioner. Petitioner is not the owner of seized Tempo or Motorcycle. Further submits that recovery has been made from the joint family property of the petitioner. Petitioner is in jail custody since 11.07.2021.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner is having one case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Purnea in connection with Dagarua P.S. Case No. 41 of 2021, subject to 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioner tamper 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 petitioners have concealed their 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)

N.K/-

U			
---	--	--	--

