

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44516 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RAJESH KUMAR Son of Dulari Singh @ Dulari Mahto Resident of Village -
Adharpur, P.S.- Samastipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 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 learned
Additional Public Prosecutor for the State.

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

Recovery is of 447.48 liters of Indian made foreign
liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent. He has falsely been implicated
in the present case. Further submits that in fact the petitioner



is a handicapped person. Further submits that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the ground that the petitioner is owner of the vehicle in question. Further submits that nothing has been recovered from conscious possession of the petitioner and the vehicle in question was taken by the driver who is not informing the petitioner and the petitioner has no concern at all with the alleged recovery of liquor.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Excise Case No. 131 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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, his bail bonds 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.

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 antecedents, 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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