

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43477 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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NAWNEET KUMAR Son of Manoj Kumar Singh Resident of Village -
Brindawan, P.S.- Naokothi, Distt.- Begusarai. Presently Resident of Village -
Manjhaul Near Viswa Bharti School, P.s.- Cheriabariyarpur, Distt.-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence under Sections 188, 290, 414, 120(B) of
the Indian Penal Code and 30(a) of the Bihar Prohibition and
Excise Act.

Recovery is of 533.52 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of disclosure of the co-
accused, Krishna Chandra Mishra @ Raja Mishra, he has been
made accused in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner rather the alleged recovery has been made from the bush behind the house of Gopal Choudhary. He further submits that the petitioner has no concern at all with the alleged recovery. Moreover, the co-accused, namely, Krishna Chandar Mishra @ Raja Mishra, has already been granted bail by a co-ordinate Bench of this Court vide order dated 05.09.2022 passed in Cr. Misc. No. 42284 of 2022 and the case of this petitioner stands on better footing. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest of surrender before the court below within a period of four weeks from the date of 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 Naokothi P.S. Case No. 87 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 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.

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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