

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56628 of 2021

Arising Out of PS. Case No.-199 Year-2020 Thana- AANDAR District- Siwan

PRABHU PASI SON OF LATE GYANI PASI RESIDENT OF VILLAGE-
CHANDAULI GANGAULI, P.S. ANDAR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

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 Andar P.S.
Case No. 199 of 2020 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

There is recovery of 470 litres of illicit country made
liquor.

Learned counsel for the petitioner submits that
petitioner has committed no offence and he has falsely been



implicated in the present case. It is further submitted that it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of co-accused Bade Pasi. Learned counsel further submits that petitioner was not arrested on the place of occurrence. Name of the petitioner has been disclosed by the co-accused Bade Pasi. He further submits that co-accused Bade Pasi @ Bhadai Pasi has been granted bail by a co-ordinate Bench of this court vide order dated 24.06.2021 passed in Cr. Misc. No. 7269 of 2021. Petitioner is in custody since 11.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, 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 the learned Additional Sessions Judge-II-cum Special Judge, Excise, Siwan in connection with Andar P.S. Case No. 199 of 2020, 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 his absence on two consecutive dates without sufficient reason, his 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.

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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