

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54702 of 2021**

Arising Out of PS. Case No.-86 Year-2021 Thana- MADHUBANI TOWN District-
Madhubani

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ROHIT KUMAR @ RAHUL KUMAR S/O KISHOR MANDAL @ KISHOR
KUMAR MANDAL R/o village- Suratganj, Ward No. 17, P.S.- Madhubani
Town, Distt.- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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

2 22-01-2022 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 in virtual Court proceeding.

The petitioner seeks bail in connection with
Madhubani Town P.S.Case No.86 of 2021 registered for the
offence under Sections 272,273/34 of the Indian Penal Code
and Sections 30(a),41 of Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 492.450 liters
wine is recovered.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present



case. In fact nothing has been recovered from conscious possession of the petitioner. The recovery has been made from possession of co-accused, namely, Nitesh Raj Gupta @ Nishu Kumar and from one motorcycle and one Scorpio. He further submits that the petitioner is neither owner of said Motorcycle or Scorpio nor the driver of the aforesaid vehicles. He further submits that co-accused, namely, Nitesh Raj Gupta @ Nishu Kumar and another co-accused, namely, Alek Kumar @ Alok Raj Purbey have been granted privilege of anticipatory bail vide order dated 29.11.2021 in Cr. Misc. No.52908 of 2021 and the petitioner is in custody since 22.07.2021.

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

Considering the aforesaid facts and period of custody, 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 Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Madhubani Town P.S.Case No.86 of 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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