

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54636 of 2021**

Arising Out of PS. Case No.-176 Year-2021 Thana- GAYA MUFASIL District- Gaya

ROHIT KUMAR @ TIMSI Son of Krishna Pandey @ Krishan Deo Pandey
Resident of Village - Janakpur, P.S.- Mofassil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

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

2 21-01-2022 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 Mofassil P.S.
Case No. 176 of 2021 (CIS 745/2021) registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

There is recovery of 9 litres of illicit foreign liquor
from an Scorpio.

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 as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the same has been recovered from one Scorpio. Petitioner has no concern with the illegal business of liquor in any manner. Petitioner is in custody since 29.06.2021.

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

Considering the aforesaid facts and circumstances as well as 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 the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Gaya in connection with Moffassil P.S. Case No. 176 of 2021 (CIS 745/2021), 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 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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