

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54170 of 2021

Arising Out of PS. Case No.-269 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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SURAJ KUMAR SON OF SRI UMESH PRASAD RESIDENT OF
MOHALLA MAHENDRU POST OFFICE P.S. SULTANGANJ, DISTRICT-
PATNA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-01-2022 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 P.R.

Malsalami P.S. Case No. 269 of 2021 registered for the

offences punishable under Sections 30(a), 32(1), 32(3), 41(1),

41(2) of Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 120 litres of illicit liquor from one

E-rickshaw.

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 only on the basis of suspicion the police has arrested the petitioner and on search nothing has been recovered from conscious possession of the petitioner. It appears from the FIR that the alleged recovery has been made from one E-rickshaw. It is further submitted that owner of the said rickshaw is one Raju Kumar. Petitioner is in custody since 13.02.2021.

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 1st Special Judge, Excise, Patna in connection with P.R. Malsalami P.S. Case No. 269 of 2021, Special Case No. 1104/2021, 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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