

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55252 of 2021

Arising Out of PS. Case No.-182 Year-2021 Thana- BAJPATI District- Sitamarhi

RAJESH KUMAR @ RAJESH KUMAR RAM, S/o Maheshwar Ram,
Resident of Village - Sandwara Ward No. 2 P.S. - Bajpatti, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defect(s), 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 Bajpatti P.S.
Case No. 182 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

In the instant case total 126.6 litres of illicit liquor
was seized.

Learned counsel for the petitioner submits that the
petitioner has got clean antecedent and he has falsely been



implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the recovery was made from motorcycle. It is further submitted that the co-accused, namely, Shankar Kumar Singh, has been granted bail by this Court vide order dated 04.01.2022 passed in Cr. Misc. No. 51882 of 2021. Petitioner is in custody since 28.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

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, Sitamarhi in connection with Bajpatti P.S. Case No. 182 of 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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