

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56051 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- BITHAN BAZAR District- Samastipur

BINOD SAH @ VINOD SAH @ BINOD KUMAR SAH Son of Aklu Sah
Resident of Village - Morkahi, Tola - Haripur, Police station - Alauli, District
- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2022 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 through video conferencing.

The petitioner seeks bail in connection with Bithan P.S. Case No. 31 of 2020 (Computer Registration No. 370 of 2020) registered for the offence under Sections 30(a) (f) of the Bihar Prohibition and Excise Act.

Recovery is of 579.960 liter of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. The



petitioner has been made accused in this case merely on the basis of confessional statement of the co-accused, namely, Arvind Sah. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the cowshed of co-accused, Arvind Sah. The petitioner has no concern with the alleged recovery. The petitioner is rotting in judicial custody since 28.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Additional Sessions Judge- II -cum- Special Judge (Excise), Samastipur in connection with Bithan P.S. Case No. 31 of 2020 (Computer Registration No. 370 of 2020) 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 canceled 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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