

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58395 of 2021

Arising Out of PS. Case No.-334 Year-2021 Thana- BARACHATTI District- Gaya

RAKESH SONI Son of Madan Soni Resident of Village- Gajipur, P.S.-
District- Gajipur and Tola Uttar Prasad, At Present Makan No.21, Street
No.15, B.S.L.L.H., P.S.- Siwandih, District- Bokaro, State- Jharkhand.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-02-2022 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 Barachatti P.S.Case No.334 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

The prosecution case, in short, is that on 07.06.2021 on confidential information informant alongwith other armed forces were reached at the bridge going from Mohanpur to Lakhaipur and stated vehicle checking and during checking they



intercepted one Mahindra Pick-Up Van and on search 810 liters of foreign liquor was recovered from vehicle in question and the same was seized and accused were apprehended on spot by the police party.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. 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 has been made from one Pick-Up Van in question. He further submits that the petitioner has no concern with the said Pick-Up Van or liquor. Petitioner is in custody since 07.06.2021.

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 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Barachatti P.S.Case No.334 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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