

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57557 of 2021

Arising Out of PS. Case No.-1348 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Dabloo Sao Son of Late Bhola Sao Resident of Village - Khendhara, P.S. -
Chhatarpur, Distt. - Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha-I, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-02-2022 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 Excise Case
No. 1348 of 2020, C.I.S. No. 1348 of 2020 registered for the
offences punishable under Sections 30(a) of Bihar Prohibition
and Amended Excise Act, 2018.

According to prosecution case, on secret information
on inspection of Excise namely Manoj Kumar Singh alongwith
other excise and police official were checking and during the



course of checking from the trailer of vehicle 145 cartoon Tunch Brand and 109 Cartoon Tanaka Brand total 1905 liters liquor has been recovered for the vehicle in question.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired only on the basis of confessional statement of driver of the pickup van and nothing has been recovered from conscious possession of the petitioner and petitioner was not apprehended on the spot, rather the recovery has been made from the pickup van in question. The petitioner is in custody since 12.08.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, 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 A.D.J.-II-cum-Special Judge, Excise, Aurangabad in connection with Excise Case No. 1348 of 2020, CIS No. 1348 of 2020, 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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