

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59213 of 2021**

Arising Out of PS. Case No.-313 Year-2021 Thana- NAUBATPUR District- Patna

SANJAY KUMAR Son of Sri Kapil Sharma @ Kapil Mistri Resident of
Village - Dhamour, P.S.- Rupashpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv
For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-02-2022 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 Special Case No.3857 of 2021 arising out of Naubatpur P.S.Case No.313 of 2021 registered for the offence under Section 30(a),38 and 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 4645.440 liters of illicit foreign liquor.

Learned counsel appearing for the petitioner submits that from perusal of the FIR it appears that the petitioner and



another co-accused, namely, Md. Vikky were arrested on 25.06.2021 in connection with Naubatpur P.S.Case No.312 of 2021. Thereafter, they remanded in custody on 26.06.2021 in connection with aforesaid case and the instant FIR was instituted on 26.06.2021. He further submits that the petitioner has no concern with the alleged occurrence. It appears from the FIR itself that the recovery has been made from the house of co-accused, namely, Dipu Singh. Nothing has been recovered from the conscious possession of the petitioner and the co-accused namely, Md. Vikky has been granted bail vide order dated 02.02.2022 in Cr. Misc. No.57911 of 2021 by this Court and the petitioner is in custody since 20.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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 Special Judge Excise, Patna in connection with Special Case No.3857 of 2021 arising out of Naubatpur P.S.Case No.313 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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