

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58523 of 2021

Arising Out of PS. Case No.-249 Year-2017 Thana- BIKRAM District- Patna

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Kaushalendra Kumar @ Kaushalendra Singh S/O Udheshwar Singh @
Sideshwar Sharma R/O Village-Tarwan, P.S.-Naubatpur, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Ms. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-02-2022 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 Special Case

No. 5602 of 2017 arising out of Bikram P.S. Case No. 249 of

2017 registered for the offences punishable under Sections 30(a)

of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case, the A.S.I. of Bikram

police station alleged inter-alia that he alongwith other police

personnel proceeded for night patrolling and during the

patrolling when they reached near Mahadev brick-kiln at



Dadpur then seeing the police party four persons started fleeing but they were apprehended. In presence of two independent witnesses they disclosed their names as Pintu Kumar Yadav, Sunil Kumar, Vijay Singh and Vijay Yadav and on search, total 1269.585 liters of foreign liquor was recovered from the Bolero and the tractor.

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 petitioner has been granted anticipatory bail vide order dated 03.12.2018 passed in Cr. Misc. No.67336 of 2018 by a co-ordinate Bench of this Court who before surrender was taken into custody in another case i.e. Naubatpur P.S. Case No. 544 of 2018 and for this reason, he could not surrender. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely Pintu Kumar Yadav and nothing has been recovered from conscious possession of the petitioner. The petitioner is in custody since 13.08.2021.

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



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 Special Judge-Excise Act, Patna in connection with Special Case No. 5602 of 2017 arising out of Bikram P.S. Case No. 249 of 2017, 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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