

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.59234 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- GOVERNMENT  
OFFICIAL COMP. District- Patna

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Sujit Kumar S/O- Late Sanjit Choudhary Resident of Village- Sabbalpur,  
P.S.- Nadi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner : Mr. Sujit Kumar, Advocate

For the State : Mr. Bhanu Pratap Singh, APP

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

3      12-04-2022                      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 learned  
  
APP for the State.

Petitioner seeks bail in connection with Special Case  
  
No. 5106 of 2021 arising out of Agamkuan P.R. Case No. E 21 of  
  
2021 registered for the offences punishable under Sections 30(a),  
  
56(b), 32(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition &  
  
Excise Amendment Act, 2018..

As per prosecution case, it is alleged by the Inspector  
  
of Excise Department that on 20.08.2021 on confidential  
  
information he along with other police personnel was conducted  
  
raid in which petitioner was apprehended along with tempo and



100 litres of country made wine was recovered.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that the petitioner is named in the F.I.R. and he has no concern with the seized wine. Further submitted that recovery has been made from the tempo in question in fact the petitioner is a driver of the tempo in question. Further submitted that petitioner is driving the tempo on instruction of the tempo owner and the police has forcibly arrested the petitioner and falsely implicated the petitioner in the present case. Police after investigation submitted chargesheet and the petitioner is in custody since 20.08.2021.

Learned APP 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 5106 of 2021 arising out of Agamkuan P.R. Case No. E 21 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 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 witness, 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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