

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59157 of 2021

Arising Out of PS. Case No.-565 Year-2021 Thana- SITAMARHI District- Sitamarhi

Sarvesh Kumar S/o Mishri Lal Yadav Resident of Village - Pansalba, P.S. - Harlakhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2022 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 Sitamarhi P.S. Case No. 565 of 2021 registered for the offences punishable under Sections 30(a), 36 of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, 878.400 liters Nepali wine has been recovered from the pick-up van and one co-accused Bhola Kumar.

Learned counsel for the petitioner submits that



petitioner has clean antecedent 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 on the basis of confessional statement of co-accused namely Bhola Kumar who was arrested alongwith the alleged liquor. He further submits that petitioner has no concern with the alleged seized liquor or the pickup van in question and nothing has been recovered from conscious possession of the petitioner. The petitioner is in custody since 21.07.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

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 Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 565 of 2021, 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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