

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59167 of 2021

Arising Out of PS. Case No.-187 Year-2021 Thana- DAGARUA District- Purnia

ROSHAN KUMAR Son of Munna Mahto Resident of Village - Rajbara
Gachhi Tola, Ward No.- 01, P.S.- Garhara, District - Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 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 Dagarua P.S.Case No.187 of 2021 registered for the offence under Section 272,273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

There is recovery of 277.50 liter of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that nothing has been recovered from



conscious possession of the petitioner rather the recovery has been made from vehicle in question. Learned counsel for the petitioner further submits that the petitioner is neither the driver nor the owner of the vehicle in question. Petitioner has no concern with the alleged recovered wine. Petitioner is in custody since 10.07.2021.

Learned A.P.P. 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Judge-cum-Special Judge, Excise Act, Purnea in connection with Dagarua P.S.Case No.187 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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