

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60275 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- FATUA District- Patna

Shivdayal @ Shivdayal Kumar Son of Late Madan Das Resident of Village -
Maksudpur, Gandhi Tola, P.S.- Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2022 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.1482 of 2021 arising out of Fatuha P.S.Case No.170 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

There is recovery of 72.375 liters of foreign liquor and 35 litres of country made Mahua liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of the disclosure made by apprehended co-



accused, namely, Atul Kumar. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of co-accused, namely, Ajay Kumar 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.1482 of 2021 arising out of Fatuha P.S.Case No.170 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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