

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60441 of 2021**

Arising Out of PS. Case No.-33 Year-2019 Thana- DHANSOI District- Buxar

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BIRENDRA SINGH S/o- Late Jalim Singh Resident of Village- Badiha, P.S.-
Dinara, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddharth Harsh,Adv
For the Opposite Party/s : Mr.Nand Kumar, APP

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

2 25-02-2022 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 Dhansoi P.S.Case No.33 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that total 449.970 liters wine is said to have been recovered.

Learned counsel appearing for the petitioner submits that it appears from the FIR and the seizure list nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from two Pick-up Vans in question.



Learned counsel for the petitioner further submits that the petitioner was not apprehended at the spot. The name of the petitioner has surfaced on the basis of the disclosure made by the driver. He further submits that the petitioner is in custody since 19.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two criminal cases 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 Additional District and Sessions Judge 2nd-cum-Special Judge, Excise, Buxar in connection with Dhansoi P.S.Case No.33 of 2019 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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