

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60511 of 2021**

Arising Out of PS. Case No.-603 Year-2018 Thana- BARACHATTI District- Gaya

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Jitendra Kumar @ Jitendra Kumar Chaurasiya Son of Sri Hiranman Chaurasiya
@ Sri Hirawan Chaurasiya Resident of Village- Dev Barai Bigha, P.S. Dev,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

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

2 11-02-2022 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 Barachatti P.S.
Case No. 603 of 2018 registered for the offences punishable
under Sections 272 and 273 of the Indian Penal Code and
Section 30(a), 38 and 47 of Bihar Prohibition and Excise Act,
2016.

According to prosecution case, total 1400 liters Spirit
was recovered from the pickup van.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the ground that the petitioner is the owner of the pickup van in question. He further submits that it appears from the F.I.R. itself nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the one pickup van in question. It is further submitted that similarly situated, co-accused, namely, Bhola Kumar and Md. Alam @ Guddu have been granted bail by a co-ordinate Bench of this Court vide order dated 13.03.2019 passed in Cr. Misc. No. 68527 of 2018. The petitioner is in custody since 31.08.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries one criminal antecedent.

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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Barachatti P.S. Case No. 603 of 2018, 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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