

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61425 of 2021**

Arising Out of PS. Case No.-220 Year-2019 Thana- PAROO District- Muzaffarpur

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ABHAY KUMAR Son of - Birendra Singh @ Virendra Singh Resident of
Village - Panda, P.S. - Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha, 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 petitioners and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Paroo
P.S. Case No. 220 of 2019 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 70.920 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, nothing has been recovered
from the conscious possession of the petitioner rather the



alleged recovery has been made from the abandoned place. The name of this petitioner has transpired in this case on the basis of disclosure made by the Chaukidar. The police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Md. Neyazuddin @ Chhote Mukhiya @ Chhote, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.11.2019 passed in Cr. Misc. No. 52664 of 2019. The petitioner is rotting in judicial custody since 06.09.2021.

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, above named, petitioner 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 Act, Muzaffarpur in connection with Paroo P.S. Case No. 220 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 canceled 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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