

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61244 of 2021

Arising Out of PS. Case No.-210 Year-2021 Thana- KISHANGANJ District- Kishanganj

DHANSHYAM @ GHANSHYAM S/o Chote Lal @ Chhote Lal R/o village-
Malikpur, P.S.- Ramgad, District- Alwar (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 272,273,420,120(B) of the Indian Penal Code and Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 7309.8 liters of illicit 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 as well as seizure list that nothing has been



recovered from conscious possession of the petitioner rather the recovery has been made from the Truck in question. He further submits that the petitioner is Khalashi (helper). He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.05.2021.

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 Court below where the case is pending in connection with Special Case No.162 of 2021 arising out of Kishanganj Police Station Case No.210 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.

(3) One of the bailors must be the brother of the petitioner, namely, Ratiram and one of the bailors shall be the resident of territorial jurisdiction of the learned court below.

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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