

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61832 of 2021**

Arising Out of PS. Case No.-120 Year-2021 Thana- GAMAHAIRIYA District- Madhepura

PAWAN KUMAR Son of Rupnarayan Prasad Resident of Village- Sandeshwar, Ward No. 01, P.S.- Fatehpur, District- Gaya, PIN- 824232 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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

2      03-03-2022                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

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 Gamharia P.S. Case No. 120/2021 arising out of Excise Case No. 531 of 2021 registered for the offences punishable under Sections 420, 120(B) of the IPC and Section 41(i) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 3897.85 litres of illicit foreign liquor from the truck.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the petitioner was driver of the truck in question. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the truck in question. Petitioner is in custody since 24.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

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, Madhepura in connection with Gamharia P.S. Case No. 120/2021 arising out of Excise Case No. 531 of 2021, 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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