

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61910 of 2021

Arising Out of PS. Case No.-626 Year-2021 Thana- MADHEPURA District- Madhepura

BINOD RAM Son of Priwat Ram Resident at Village - Saharsa Basti,
Dumarail Ram Tola, Ward No.- 33, P.S. - Saharsa, Dist. - Saharsa, Bihar -
852201.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Nath Tiwari

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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 Madhepura
P.S. Case No. 626/ 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016 / Bihar Prohibition and Excise (Amendment) Act, 2018.

There is recovery of 163.5 litres of illicit foreign liquor
from the tempo.

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 it appears from the FIR and the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from tempo in question. He further submits that the police after investigation submitted charge sheet against the petitioner and other co-accused persons and the petitioner is in custody since 05.08.2021/ 06.08.2021.

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 Special Judge, Excise, Madhepura (The Court of Additional Sessions Judge-II, Madhepura) in connection with Madhepura P.S. Case No. 626/ 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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