

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61805 of 2021

Arising Out of PS. Case No.-203 Year-2021 Thana- GOGRI District- Khagaria

PRITAM KUMAR Son of Karelal Yadav @ Sunil Yadav Resident of Village -
Khatha, Vijay Nagar, Ward No.09, P.s.- Gogri, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh
For the Opposite Party/s : Mr.Anil Kumar

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 Gogri P.S. Case No. 203/2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, 100 litres of Jawa Mahua, 20 litres of country made Mahua liquor and other apparatus were recovered from the house of the petitioner.

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 there is



violation of Section 100 Cr.P.C. in this case. He further submits that it appears from the FIR and seizure list that recovery was not made from conscious possession of the petitioner rather the same has been made from the house of the petitioner. He further submits that till today no chemical report has come in this case that alleged seized article is Mahua liquor. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 16.05.2021.

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, 2nd cum Special Judge, Excise Act, Khagaria in connection with Gogri P.S. Case No. 203/2021, 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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