

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62312 of 2021

Arising Out of PS. Case No.-470 Year-2021 Thana- AKBARPUR District- Nawada

Rishi Raj @ Bittu S/o Ambika Prasad Resident of Village-Paijuna, P.O.-
Paharpur, P.S.-Paharpur, District-Nawadah, Pin-805126.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ray Saurabh Nath, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

The present case has been taken up out of turn on the
basis of mentioning on the ground that the mother of the
petitioner has been expired on 23.01.2022.

Petitioner seeks bail in connection with Akbarpur P.S.
Case No. 470 of 2021 registered for the offences punishable
under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, in the F.I.R. that Dipu
Kumar, Pawan Kumar, Rishi Raj (petitioner), Jitendra, Munna
Kumar, Magra, Lallan Rajwanshi were being arrested along



with four motorcycles and total 520 liters of Mahua (country made liquor) was recovered from the different motorcycles.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the motorcycle in question. It is further submitted that petitioner has no concern with the seized liquor as well as motorcycle. The petitioner is in custody since 19.07.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for 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, Nawada in connection with Akbarpur P.S. Case No. 470 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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