

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63957 of 2021

Arising Out of PS. Case No.-411 Year-2020 Thana- KISHANGANJ District- Kishanganj

=====

BISHWAJEET KUMAR @ BISHWAJEET SARKAR @ BISWAJIT SARKAR Son of Late Bhajan Sarkar Resident of Sahadarnagar (Sahadargachh), Bidhan Nagar, P.S. - Fasidua, District - Darjeeling (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2022 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 272,273,420,120B of the Indian Penal Code and Sections 30(a), 41(1) of Bihar Prohibition and Excise Ac, 2016.

Recovery is of 3584.640 litres of Indian made foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case



only on the basis of suspicion. The name of the petitioner has transpired on the basis of the disclosure made by co-accused, namely, Mulindar Kumar Singh. 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 similarly situated co-accused, namely, Md Sahid @ Sahid Pradhan has been granted privilege of anticipatory bail vide order dated 14.06.2021 in Cr. Misc. No. 17312 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 16.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

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. 324 of 2020 arising out of Kishanganj PS Case No. 411 of 2020, 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 family member of the petitioner 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)

Nitesh/-

U		T	
---	--	---	--

