

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63932 of 2021**

Arising Out of PS. Case No.-415 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

SHIVA RAI @ SHIVA KUMAR RAI Son of Zamindra Ray Resident of
Village- Pakaha (Bamo), P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

2 03-03-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 415 of 2020 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 33.12 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner rather the alleged recovery has been made from the bamboo clumps kept in a sack near the house of one Braj Kishore Rai. The petitioner has no concern with the alleged recovery. He further submits that the petitioner was having inimical terms with the Chaukidar of the village and on whose disclosure, he has been made accused in this case. The petitioner is rotting in judicial custody since 16.07.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Additional Sessions Judge-II -cum- Special Judge (Excise Act), Gopalganj in connection with Baikunthpur P.S. Case No. 415 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 canceled 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.

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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