

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65720 of 2021

Arising Out of PS. Case No.-353 Year-2021 Thana- ARWAL District- Jehanabad

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KAILASH SAO, Son of Nakho Sao Resident of Mohalla Jharia Raji Ground
P.s. Jharia, District Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2022 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 Excise Case No. 899 of 2021, arising out of Arwal P.S. Case No. 353 of 2021 registered for the offence under Sections 30(a), 32(2), (3), 36/41 of the Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 905 liters of Indian made foreign liquor is made from one Tata Intra Magic vehicle bearing registration no. JH-10CG-9801 followed by a Creta car bearing Reg. No. JH-21J-5915. Allegation against the petitioner is that



he was sitting in the Creta car.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of arrest in the car from which nothing has been recovered. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is in judicial custody since 08.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the fact 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Jehanabad, Patna in connection with Excise Case No. 899 of 2021 arising out of Arwal P.S.Case No.353 of 2021 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.



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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