

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.65697 of 2021**

Arising Out of PS. Case No.-176 Year-2021 Thana- GAYA MUFASIL District- Gaya

VISHAL KALA @ BISAR KALA @ VISHAL KR KALA @ VISHAL @  
KALA Son of Pappu Mehta Resident of Village - Manpur Sudhi Tola, P.s.-  
Mojassil, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. S. Jamil Akhtar, Adv.

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

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

2      08-03-2022                      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 Magadh Moffisil P.S. Case No. 176 of 2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 9 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 Scorpio. The petitioner neither happens to be driver nor he happens to be owner of the vehicle in question. The petitioner has no concern with the alleged recovery. Moreover, the co-accused, namely, Rohit Kumar @ Timsi, having more or less similar allegation, has already been granted bail by this Court vide order dated 21.01.2022 passed in Cr. Misc. No. 54636 of 2021. The petitioner is rotting in judicial custody since 29.06.2021..

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits 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 A.D.J.-II -cum- Special Judge, Excise Act, Gaya in connection with Magadh Moffisil P.S. Case No. 176 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 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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