

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66642 of 2021

Arising Out of PS. Case No.-243 Year-2021 Thana- DHANARUA District- Patna

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BADAL KUMAR @ RUDAL Son of Sanjay Thakur Resident of village -
Sewati, Police Station - Dhanarua, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2022 The present application has been taken up for out of

turn hearing on the basis of motion slip filed by the petitioner on

the ground that mother of the petitioner has died on 16.01.2022.

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.

Petitioner seeks bail in connection with Dhanarua P.S.

Case No. 243 of 2021, Special Case No. 4796 of 2021

registered for the offences punishable under Section 30(a) of

Bihar Prohibition and Excise Act, 2018.

There is recovery of 240 litres of illicit country made



liquor from a Car.

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. It is further submitted that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from one Hyundai Car. Petitioner is not the owner of the said Car. Petitioner is in custody since 04.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Special Judge, Excise, Patna in connection with Dhanarua P.S. Case No. 243 of 2021, Special Case No. 4796 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.

4. The learned court below is directed to verify the genuineness of death of mother of the petitioner from the local police station before releasing the petitioner on bail.

(Rajesh Kumar Verma, J)

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