

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66898 of 2021**

Arising Out of PS. Case No.-422 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

MD. BAREY @ MD. NASEEM, Son of Abbas, Resident of Village -
Khajasarai, P.s.- Laheriasarai, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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

2 08-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

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.

The petitioner seeks bail in connection with Laherisarai P.S. Case No. 422 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

Recovery is of 15 liters of foreign liquor is made from the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that



nothing has been recovered from the conscious possession of the petitioner rather the recovery is made from the house of the petitioner. The petitioner is rotting in judicial custody since 28.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submitted that petitioner has four criminal antecedent and in all the cases, he is on bail.

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 ADJ II-cum-Special Judge, Excise Act, Darbhanga, in connection with Laherisarai P.S. Case No. 422 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 absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

(2) If the petitioner tamper 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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