

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67488 of 2021

Arising Out of PS. Case No.-313 Year-2021 Thana- NAUBATPUR District- Patna

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BRAJ KISHOR @ DIPU SINGH Son of Late Nawal Kishore Resident of
village - Chiraura, P.S.- Naubatpur, District - Patna at present resident of
mohalla - Mourya Bihar Colony, P.S.- Phulwarisharif, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Special Case
No. 3857 of 2021 arising out of Naubatpur P.S. Case No. 313/
2021 registered for the offences punishable under Section 30(a)
of Bihar Prohibition (Excise) Amendment Act, 2018.

There is recovery of 4645.44 litres of illicit foreign



liquor.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case only on the basis of disclosure made by the co-accused, namely, Md. Vikky and Sanjay Kumar. He further submits that it appears from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the godown which was in the name of mother of the petitioner, namely, Shakuntala Devi. He further submits that in fact, the mother of the petitioner leased out the same to one Dipak Kumar vide lease agreement dated 01.07.2020 (Annexure-3). He further submits that co-accused Sanjay Kumar has been granted bail by this court vide order dated 07.02.2022 passed in Cr. Misc. No. 59213 of 2021 and another co-accused Md. Vikky has been granted bail by this court vide order dated 02.02.2022 passed in Cr. Misc. No. 57911 of 2021 and the petitioner is in custody since 19.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedent.

Considering the aforesaid facts and circumstances, 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 Special Case No. 3857 of 2021 arising out of Naubatpur P.S. Case No. 313/ 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.

(Rajesh Kumar Verma, J)

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