

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66888 of 2021**

Arising Out of PS. Case No.-357 Year-2021 Thana- RIVILGANJ District- Saran

Raj Kumar Koli, Son of Shri Ram Anjor, Resident of Village- N Block 1048,
Mangolpuri, P.S.- Raj Park, District- North- West Delhi (Delhi)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr.Pradeep Narain 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 Rivilganj P.S. Case No.357 of 2021, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 628.500 litres of foreign liquor made from a car.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the



petitioner rather recovery has been made from a car in question. He further submits that there is no compliance of rule under Section 100 Cr.P.C. and police after investigation submitted charge-sheet against the petitioner and other accused persons. The petitioner is in custody since 28.09.2021.

Learned A.P.P. 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 with condition **that one of the bailors must be wife of the petitioner and** 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. 2nd -cum-Special Judge, Excise, Saran at Chapra, in connection with Revilganj P.S.Case No. 357 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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