

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67746 of 2021**

Arising Out of PS. Case No.-157 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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CHHOTU KUMAR S/o Prakash R/o village- Habipura (Ward No 6), P.S.-
Sohsarai, District- Nalanda (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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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 Case No.
157C2 of 2021 registered for the offences punishable under
Section 30(a) of Bihar Excise (Prohibition) Amendment Act,
2016.

There is recovery of 400 litres of illicit liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that in fact,



nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the truck in question. He further submits that co-accused Rahul Kumar @ Rahul Paswan has been granted bail by a co-ordinate Bench of this court vide order dated 17.09.2021 passed in Cr. Misc. No. 38946 of 2021. He further submits that the police after investigation submitted charge sheet against the petitioner and other accused persons and the petitioner is in custody since 08.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

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 Additional Sessions Judge-II, Jamui in connection with Case No. 157C2 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.

(Rajesh Kumar Verma, J)

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