

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68081 of 2021

Arising Out of PS. Case No.-455 Year-2020 Thana- EKMA District- Saran

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SUDAMA RAI @ SUDAMA KUMAR RAI S/o Late Jharilal Rai R/o
Village- Bindalal Mathiya, P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-03-2022 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 a case registered for the offence under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2018.

The prosecution case, in short, is that on secret information, informant had proceeded to the place of occurrence along with their police personal but on seeing the police jeep accused persons managed to escape from the spot. Thereafter, on search of the Bolero vehicle, the police recovered 300 liters of illicit liquor which was seized by the police.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in connection with the present case merely on suspicion. It is further submitted that it appears from the seizure list that recovery was made at the door of Anil Rail and not from the possession of the petitioner. It is further submitted that name of the petitioner surfaced on the basis of the confession statement of local chowkidar. It is further submitted that the petitioner was not apprehended on the spot. It is further submitted that the petitioner has no criminal antecedent and he is in custody since 26.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 Court below where the case is pending in connection with Ekma P.S. Case No. 455 of 2020 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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