

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68647 of 2021

Arising Out of PS. Case No.-169 Year-2021 Thana- KALUAHI District- Madhubani

Raushan Kumar Son of Bindeshwar yadav @ Vinay Kumar Yadav Resident of Village- Kamala Bari, Ward No.05, Godhtola, P.s.- Jaynagar, Dist-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 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 Kaluahi P.S. Case No. 169 of 2021, corresponding to G.R. No. 2116 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a), 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

According to prosecution case, total 1260 liters Nepali country made liquor was recovered from the pick up van.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from one pickup van. He further submits that petitioner is neither the driver nor the owner of the said vehicle. The petitioner is in custody since 13.11.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for 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-cum-Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 169 of 2021, corresponding in G.R. No. 2116 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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