

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56889 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- ARWAL District- Jehanabad

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KAILASH SAO Son of Nakho Sao Resident of Mohalla - Jharia Raji Ground,
P.S.- Jharia, District - Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 30(a), 32(2)(3), 36/41 of the

Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 905 litres of Indian made foreign

liquor.

Learned counsel for the petitioner submits that the

earlier bail petition of the petitioner was allowed by order dated

07.03.2022 passed in Cr. Misc. No. 65720 of 2021. Thereafter,

the petitioner had filed the modification application for modify



the order dated 07.03.2022 passed in Cr. Misc. No. 65720 of 2021 which was rejected vide order dated 29.06.2022 passed in Cr. Misc. No. 32829 of 2022.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of sitting in the car from which nothing has been recovered. He further submits that only on the basis of suspicion the petitioner has been arrested and nothing has been recovered from his conscious possession and the petitioner is in custody since 08.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Excise Case No. 899 of 2021 arising out of Arwal P.S. Case No. 353 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 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 witness, 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 antecedents, 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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