

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70406 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- ARWAL District- Jehanabad

PAPPU KUMAR SONI Son of Late Shambhu Sah Resident of Village -
Bajinathpur Karnal, P.S.- Sahibganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 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 in the virtual Court proceeding.

The petitioner seeks bail in connection with Excise Case No.660 of 2021 arising out of Arwal P.S.Case No.222 of 2021, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 1721.61 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that nothing has been recovered from the



conscious possession of the petitioner rather the recovery has been made from the Truck in question. He further submits that the in fact the petitioner is a Driver of the Truck in question and he has no knowledge about the illicit liquor which was recovered from the Truck in question. He further submits that co-accused, namely, Md.Salim @ Salim has been granted bail vide order dated 31.01.2022 in Cr.Misc. No.57230 of 2021 by this Hon'ble Court and the petitioner is in custody since 05.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Jehanabad in connection with Excise Case No.660 of 2021 arising out of Arwal P.S.Case No.222 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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