

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71307 of 2021**

Arising Out of PS. Case No.-81 Year-2021 Thana- BARGAINIA District- Sitamarhi

Rupesh Yadav @ Rupesh Kumar Son of Gajendra Rai Resident of Masaha
Alam, Police Station Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

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 Bairgania P.S.
Case No. 81 of 2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2016.

Recovery is of 222 liters of illicit wine.

Learned counsel for the petitioner submits that
petitioner is innocent 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 the heap of straw. He further submits that petitioner was not apprehended on the spot and the name of the petitioner has been transpired only on the basis of disclosure made by the Chaukidar. He further submits that except the disclosure made by Chaukidar nothing has come during the investigation against the petitioner. The petitioner is in custody since 25.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries two criminal antecedents other than the present one.

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 District Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Bairgania P.S. Case No. 81 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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