

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72082 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- WARISLIGANJ District- Nawada

SUGGA SAW Son of Kishori Saw Resident of Village - Rasanpur, Police
Station - Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Arvind Kumar Pandey (App.84)

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 Warisaliganj
P.S. Case No. 74/ 2021 registered for the offences punishable
under Sections 30(a), 30(d), 41 of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, 1200 litres of semi
manufactured Mahua liquor was recovered from the field which
was destroyed by the police party after taking his sample.

Learned counsel for the petitioner submits that
petitioner 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 or from the house of the petitioner. He further submits that name of the petitioner has been transpired in this case as fled away person but the prosecution did not disclose the source of identification of the petitioner. He further submits that similarly situated co-accused Vijay Saw has been granted bail by a co-ordinate Bench of this court vide order dated 27.08.2021 passed in Cr. Misc. No. 37584 of 2021. Similarly, co-accused Bahadur Saw has been granted bail by a co-ordinate Bench of this court vide order dated 21.09.2021 passed in Cr. Misc. No. 45989 of 2021 and the petitioner is in custody since 08.10.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedent.

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, Nawada in connection with Warisaliganj P.S. Case No. 74/ 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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