

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72100 of 2021**

Arising Out of PS. Case No.-643 Year-2021 Thana- NAWADA District- Nawada

PRINCE KUMAR @ AARYAN Son of Suresh Malakar Resident of Village -
Kalali Road, Gadhpur, P.S. - Nawada (Town), District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Adv

For the Opposite Party/s : Mr.Manoj Kumar, APP

**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 virtual Court proceeding.

The petitioner seeks bail in connection with Town Kadirganj P.S.Case No.643 of 2021, registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 126 liters of country made liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that as per FIR altogether 81 liters of country made liquor has been recovered from the motorcycle of



the petitioner. He further submits that in the present case violation of Section 100 of Cr.P.C. He further submits that there is no eye witness of the alleged occurrence/recovery. He further submits that co-accused, namely, Sonu Kumar has been granted bail vide order dated 14.12.2021 in Cr.Misc. No.46091 of 2021 by this Hon'ble Court. He further submits that the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons and the petitioner is in custody since 18.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd -cum-Special Judge, Nawada in connection with Town Kadirganj P.S. Case No.643 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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