

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1407 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

Akash Kumar Son of Lal Babu Sah Resident of Village- Rampur Kothi, P.S.-
Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 30(a), 38(2), 41(1) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of total 172.800 liters of foreign liquor.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the flower



mill (Ata Chakki) of the co-accused Lalbabu Sah. He further submits that petitioner has no concern with the said flower mill and police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.11.2021.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner and submits that in fact the petitioner is the son of Lalbabu Sah.

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 Court below where the case is pending in connection with Bhagwanpur Hat P.S. Case No. 243 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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