

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2312 of 2023

Arising Out of PS. Case No.-437 Year-2022 Thana- SABAUR District- Bhagalpur

ROHIT KUMAR Son of Amar Yadav @ Amarnath Yadav Resident of
Village- Madhuban Tola, P.S.- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in a case registered for the
offence under Sections 30(a)/32(i)(ii)/41 of Bihar Prohibition
and Excise Act, 2016.

Recovery is of 87.5 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. Further submits that it appears
from the FIR as well as seizure list that the recovery has been
made from the vehicle in question and not from the conscious
possession of the petitioner and nothing has been recovered
from the conscious possession of the petitioner and co-accused
persons, namely, Vinit Kumar Tiwary @ Binit Kumar Tiwary



and Sonu Gond have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 09.02.2023 passed in Cr. Misc. Nos.72295 of 2022 and 70939 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.10.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the petitioner has clean antecedent, 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 court below where the case is pending in connection with Sabour (Goradih) P.S.Case No.437 of 2022 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.

(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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