

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2651 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- BAUNSI District- Banka

CHHOTU KUMAR Son of Kari Yadav Resident of Village- Manhara, P.S.-
Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, 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 through video conferencing.

The petitioner seeks bail in a case registered for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act.

Recovery is of 224.64 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. and the
seizure list that altogether 224.64 liters of foreign liquor has
been recovered from the Tata Sumo Gold vehicle in question
and nothing has been recovered from the conscious



possession of the petitioner. Neither the petitioner happens to be the owner of the alleged vehicle nor he is said to be the driver of the vehicle in question. He further submits that there is non compliance of Section 100 of the Cr.P.C. He further submits that the petitioner has no concern at all with the alleged recovery and the vehicle in question. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Special Excise No. 1315 of 2022 arising out of Bounsi P.S. Case No. 263 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 canceled 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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