

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3813 of 2023**

Arising Out of PS. Case No.-328 Year-2022 Thana- SURYAGARHA District- Lakhisarai

RAGHUNANDAN KUMAR Son of Nageshwar Sharma R/o Village - Shiv
Nagar, P.S.- Piri Bazar, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri,Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
29.10.2022 in connection with Suryagadha P.S. Case No. 328
of 2022, F.I.R. dated 28.10.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

Recovery is of 15 liters of country made illicit liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that it appears
from the FIR as well as the seizure list that nothing has been
recovered from conscious possession of the petitioner rather the
recovery has been made from the motorcycle in question and the



petitioner was the pillion rider as arrested alongwith the illicit liquor and the co-accused persons. Further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and there is non-compliance of Section 100 of the Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, having 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 8th Additional District and Sessions Judge-IV-cum-Special Judge (Excise)-1, Lakhisarai in connection with Suryagadha P.S. Case No. 328 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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