

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3785 of 2023

Arising Out of PS. Case No.-199 Year-2021 Thana- BHAGWANPUR District- Vaishali

PAPPU RAI Son of Ram Bahadur Ray R/V- Sohratha, P.S- Belsar O.P Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 05.12.2022, in connection with Bhagwanpur P.S. Case No. 199 of 2021, F.I.R. dated 09.09.2021, for the offences punishable under Sections 467, 468, 120(B), 272, 273 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of Bihar Prohibition and Excise Act, 2018.

According to prosecution case, total 2555 litres of foreign liquor is said to have been recovered from the vehicles in question.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure



list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the truck and pick up van in question and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and co-accused, namely, Pappu Das @ Pappu Kumar Das has been granted bail vide order dated 22.11.2022 passed in Cr. Misc. No. 39905/2022 and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.12.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-II -cum- Additional Sessions Judge, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case No.199/2021, 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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