

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4555 of 2023

Arising Out of PS. Case No.-421 Year-2022 Thana- BARUN District- Aurangabad

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Achhay Kumar Nishad @ Chhotu Son of Santlal @ Santlal Nishad R/v-
Daudpur, P.S.- Aaspur, Deosara, District- Pratapgarh (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
20.09.2022 in connection with Barun P.S. Case No. 421 of 2022,
F.I.R. dated 19.09.2022 for the offences punishable under
Sections 420, 467, 468 and 471 of the Indian Penal Code and
30(a) of the Bihar Excise and Prohibition Amendment Act,
2018.

Recovery is of 3495.6 liters of illegal English Wine.

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 the conscious possession of the petitioner rather the recovery has been made from the vehicle in question. He further submits that in fact, the petitioner is driver of the vehicle in question and he has no knowledge about the illicit liquor. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

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 Special Judge Excise, 1st, Aurangabad, Bihar in connection with Barun P.S. Case No. 421 of 2022, subject to the following conditions:-

1. One of the bailor shall be the father of the petitioner, namely, Santlal @ Santlal Nishad.



2. 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.

3. 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.

4. 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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