

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4403 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

ROHIT KUMAR Son of Prabhu Sahaney R/o Khajaha Chak, Sadama, P.S.-
Badh, District - Patna, At present R/o inside the Sai Public School, Digha,
P.S.- Digha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s	:	Mrs. Sangeeta Sharma, A.P.P.

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.

Petitioner seeks bail, who is in custody since
12.08.2022 in connection with Shrikrishnapuri P.S. Case No.
315 of 2022, Special Case No. 4772 of 2022, F.I.R. dated
11.08.2022 for the offences punishable under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 1.44 liters of illicit liquor from the
possession of the petitioner.

Learned counsel for the petitioner submits that peti-
tioner is innocent and he 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 1.44 liters of illicit liquor has been re-
covered from the possession of the petitioner. He further sub-



mits that in fact nothing was recovered from the conscious possession of the petitioner and only on the basis of previous criminal antecedent the petitioner has falsely been implicated in the present case. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.08.2022.

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

Considering the aforesaid facts and circumstances, nothing was recovered from the conscious possession of the petitioner and only on the basis of previous criminal antecedent the petitioner has falsely been implicated in the present case, 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, Patna in connection with Shrikrishnapuri P.S. Case No. 315 of 2022, Special Case No. 4772 of 2022, 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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