

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5393 of 2023

Arising Out of PS. Case No.-564 Year-2022 Thana- NAUTAN District- West Champaran

SARWAN KUMAR Son of Basudev Prasad Resident of village - Balua
Rampurwa, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.10.2022 in connection with Nautan P.S. Case No. 564 of
2022, F.I.R. dated 27.10.2022 for the offences punishable under
Section 414 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

Recovery is of total 138.24 liters of illicit liquor from
the vehicle.

Learned counsel for the petitioner submits that
petitioner has clean antecedent 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 nothing has been
recovered from the conscious possession or the house of the



petitioner rather the recovery has been made from the Tempo in question. He further submits that petitioner is neither the owner nor the driver of the said vehicle in question and he has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, has clean antecedent and nothing has been recovered from the conscious possession or the house of the petitioner, 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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 564 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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