

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19786 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- SABAUR District- Bhagalpur

Awadhesh Kumar Verma @ Awadhesh Verma S/O Sri Nand Kishore Verma
@ Sri Nandkishor Verma Resident of village- Ratura, Pahariya, P.S.- Sarwan,
District- Deoghar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
30.11.2022 in connection with Sabour P.S. Case No. 313 of
2022, F.I.R. dated 06.08.2022 registered for the offence
punishable under Sections 30(a), 32(i),(ii) and 41 of the Bihar
Prohibition and Excise Act.

Recovery is of 225 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case merely on the basis of the disclosure made by the
co-accused, namely, Mahanand Kumar. Further submits that it
appears from the FIR itself that nothing has been recovered



from conscious possession or the house of the petitioner rather the recovery has been made from the Scorpio and the petitioner is neither the driver nor the owner of the Scorpio in question and except the disclosure made by the co-accused, namely, Mahanand Kumar, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the co-accused person, namely, Mahanand Kumar, who has disclosed the name of the petitioner, and co-accused, namely, Ranjesh Kumar, both happen to be the Driver and Khalasi of the vehicle in question, have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 25.11.2022 passed in Cr. Misc. No.54794 of 2022 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 30.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one. Further submits that out of seven cases, six cases has been lodged against the petitioner in the State of Bihar and rest one case has been lodged in the State of Jharkhand, as mentioned in the supplementary affidavit.



Considering the aforesaid facts, nothing has been recovered from possession 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 learned Special Judge Exclusive Excise Court No.2, Bhagalpur in connection with Sabour P.S. Case No. 313 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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