

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14517 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Bablu Kumar Son of Rajendra Modi R/O Bihpur, P.S.- Bihpur, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar Choudhary, Advocate
		Mr. Abhishek, Advocate
		Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s :		Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Cheria Bariarpur P.S
Case No. 275 of 2022 registered for the offences punishable
under Section 120(b) of the Indian Penal Code and Sections
30(a)(b), 32(iii) and 41 of Bihar Prohibition of Excise Act.

The allegation against this petitioner is to involve in
illegal activities of illicit liquor along with other co-accused
persons, where total recovery of 3490.92 litres of IMFL was



made from a truck bearing registration no. BR 01GA7852 parked at petrol pump belongs to one of the co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated with present case without having any connecting evidence, who is a man of clean antecedent. It is submitted that name of petitioner surfaced in present case on the basis of secret input even the alleged truck with loaded IMFL was found parked at petrol pump, which belongs to one of the co-accused, namely, Gopal Singh @ Gopal Kumar Singh, who has already been granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 4342 of 2023 vide order dated 27.03.2023. It is submitted that the petitioner is not even the owner of alleged truck. While concluding the argument it is submitted that seizure list is also appearing doubtful being not supported by independent witnesses rather by police personnel.

Learned APP opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of the fact as, save and except suspicion, nothing survived against this petitioner, who was named in this case on the basis of secret input, accordingly, the above named petitioner, in the event of his arrest or surrender before the court



below within a period of four weeks of this order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Judge Excise, 1st, Begusarai/concerned Court, where the case is pending in connection with Cheria Bariarpur P.S. Case No. 275 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with further conditions:—

“(i) 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.

(ii) Learned trial court/concerned court is directed to 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.

(iii) One of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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