

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14588 of 2023

Arising Out of PS. Case No.-579 Year-2022 Thana- DUMRAO District- Buxar

SANJAY VERMA @ SANJAY KUMAR VERMA S/o Late Lalbahadur
Verma R/o Village- Purana Bhojpur (North Tola), P.S.- Naya Bhojpur O.P.,
Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
31.12.2022, in connection with Dumraon (Naya Bhojpur O.P.)
P.S. Case No. 579 of 2022, F.I.R. dated 30.12.2022 registered
for the offences punishable under Sections 30(a)/30(b)/30(c)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 225 litres of country made liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely 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 recovery has been



made from house of the petitioner. Learned counsel for the petitioner further submits that the petitioner was not arrested at the spot and the petitioner has no concern at all with the alleged recovery of illicit liquor because the said house is a joint family house of the petitioner and there is non compliance of Section 100 of the Cr. P.C. . He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.12.2022.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1, Buxar in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 579 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 witness, 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 antecedents, 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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