

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15755 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MALSALAMI District- Patna

RADHA KUMAR @ RADHEY @ RADHEY RAI Son of Krishna Rai @
Krishna Deo Rai R/v- Kila Road, Kauva Khoh, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
10.02.2023 in connection with Malsalami P.S. Case No. 08 of
2023, F.I.R. dated 04.01.2023 for the offences punishable under
Sections 30(a), 36 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

Recovery is of total 40 liters of illegal liquor from the
motorcycle.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case only on the basis of disclosure made by the co-
accused namely, Sunil Kumar. 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 motorcycle in question. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. He further submits that except the disclosure made by the co-accused namely, Sunil Kumar no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.02.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one and petitioner is on bail in two cases as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has falsely been implicated in the present case only on the basis of disclosure made by the co-accused namely, Sunil Kumar, 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 Exicse, Patna City in connection with Malsalami P.S. Case No. 08 of 2023, 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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