

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16768 of 2023

Arising Out of PS. Case No.-1049 Year-2022 Thana- SIKARPUR District- West Champaran

HITLAR KUMAR S/o Raj Kishor Jha @ Raju Jha @ Raju Sah R/o In front of Sugar Mill, Narkatiyaganj, Shanti Nagar, P.S.- Shikarpur, Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Jagdhara Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Shikarpur P.S. Case No. 1049 of 2022 dated 31.12.2022 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 90.840 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely on the basis of information given by the local Dafadar. He further submits that it appears from the F.I.R. and the seizure list that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the orchard of one Lota Ram Sah. He further submits



that the petitioner has no concern at all with the alleged recovery of liquor. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is languishing in judicial custody since 02.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one and the petitioner is on bail in that case.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 1049 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 canceled 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.

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)

brajesh/-

U			
---	--	--	--

