

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15703 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- KADAMKUAN District- Patna

SAGAR KUMAR @ TIME PASS SON OF LATE SAHAY RAM @ RAM
DAYAL RAM R/O MOHALLA- NALA ROAD, AMBEDKAR BHAWAN,
P.S.- KADAMKUAN, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special Case No. 2551 of 2022 arising out of Kadamkuan P.S.
Case No. 231 of 2022 dated 14.05.2022 registered for the
offence under Sections 30(a) of the Bihar Prohibition and
Excise Act. .

Recovery is of 10 liters of country made liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the F.I.R. and the seizure list that altogether 10 liters of
country made liquor has been recovered from the conscious



possession of the petitioner. He further contends that in fact, nothing has been recovered from the conscious possession of the petitioner rather the police has planted the same and shown the recovery from the possession of the petitioner. The petitioner has no concern at all with the alleged recovery and there is non-compliance of Section 100 Cr. PC. He further contends that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.05.2022.

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

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 Special Judge Excise, Patna in connection with Special Case No. 2551 of 2022 arising out of Kadamkuan P.S. Case No. 231 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)

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