

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24999 of 2023

Arising Out of PS. Case No.-179 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Fultun Ray Son Of Rambali Yadav @ Ramwali Yadav Resident Of Village -
Mohamadpur, Sakra, P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 1. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
29.01.2023 in connection with Bibhutipur P.S. Case
No.179/2017, dated 22.08.2017, for the offences punishable
under Sections 272, 273 and 414 of the IPC & Sections 30(a),
38 and 47 of Bihar Prohibition and Excise (Amendment) Act,
2016.

3. According to prosecution case, the petitioner is said
to be the owner of Bajaj Pulsar vehicle, from which 180 ML
foreign liquor is said to have been recovered.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. The



name of the petitioner has been transpired during investigation on the ground that the motorcycle in question belongs to the petitioner. He further submits that from bare perusal of the F.I.R as well as seizure list, it appears that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the co-accused, namely, Nandlal Rai, who has been granted bail vide order dated 17.10.2017 passed in Cr. Misc. No.49647/2017 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 29.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

6. Considering the aforesaid facts and circumstances, 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 Excise Judge-I, Samastipur in connection with Bibhutipur P.S. Case No.179/2017, 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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