

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25301 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BIKRAMGANJ District- Rohtas

VIRAT KUMAR Son of Durga Prasad @ Durga Sah R/o Mohalla- Ward no. 14, Sasaram Road, Durga Asthan, Bikramganj, P.S- Bikramganj, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 20.01.2023, in connection with Bikramganj P.S. Case No. 28 of 2023, F.I.R. dated 19.02.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 34.56 litres of illicit 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 the scooty in question and there is non compliance



of Section 100 of the Cr. P.C. and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.01.2023.

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 one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery of illicit liquor, 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 Exclusive Special Judge Excise Court No. 1, Rohtas, Sasaram in connection with Bikramganj P.S. Case No. 28 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 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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