

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26757 of 2023

Arising Out of PS. Case No.-243 Year-2021 Thana- DHANARUA District- Patna

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BADAL KUMAR @ RUDAL Son of Sanjay Thakur Resident of village -
Sewati, P.S.- Dhanarua, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
04.08.2021 in connection with Dhanarua P.S. Case No. 243/2021,
Special Case No.4796/2021, F.I.R. dated 04.08.2021, for the
offences punishable under Sections 30(a) of the Bihar Prohibition
and Excise Act, 2018.

According to prosecution case, there is recovery of 240
litres of illicit country made liquor from a vehicle in question.

Learned counsel for the petitioner submits that earlier
the bail petition of the petitioner was twice rejected vide order
dated 24.01.2022 in Cr. Misc. No. 66642/2021 and vide order
dated 09.11.2022 in Cr. Misc. No.59295/2022. Learned counsel
for the petitioner submits that the petitioner has clean
antecedent and he has falsely been 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 the recovery has been made from a vehicle in question. He further submits that the petitioner is neither the owner nor the driver of the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. He further submits that the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 04.08.2021.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, 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 Excise, Patna in connection with Dhanarua P.S. Case No.243/2021, Special Case No. 4796/2021, 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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