

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36303 of 2023

Arising Out of PS. Case No.-247 Year-2021 Thana- SARAI District- Vaishali

=====

Bablu @ Bablu Kumar @ Balua Son of Rajendra Ray @ Rajan Rai Resident
of Village - Majhauli Mohammadpur Bajurg, P.S.- Sarai, District - Vaishali at
Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.12.2022 in connection with Sarai P.S. Case No. 247 of 2021,
F.I.R. dated 07.09.2021 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of total 400.68 liters of country made
foreign liquor.

Learned counsel for the petitioner submits that
petitioner is innocent 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 rather the recovery has been made from



the Karkat house of the co-accused. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and petitioner was not apprehended at the spot. He further submits that similarly, situated co-accused namely, Sikandar Mahto and Rajesh Kumar have already been granted bail by a co-ordinate Bench of this Hon'ble Court vide orders dated 18.05.2022 and 08.07.2022 passed in Cr. Misc. No. 3367 of 2022 and Cr. Misc. No. 11036 of 2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.12.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries seven criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, petitioner was not apprehended at the spot and nothing has been recovered from the conscious possession of the petitioner, 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 Exclusive Special Prohibition and Excise Court-2-cum-Additional District



and Sessions Judge, Vaishali at Hajipur in connection with
-Sarai P.S. Case No. 247 of 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)

mdrashid/-

U		T	
---	--	---	--

