

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36952 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- GARDANIBAG District- Patna

SHRAVAN KUMAR Son of Dev Kumar Ray Resident of village - Pakshmi
Saristabad, P.S. - Gardanibagh, Distt . - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kahkashan Alam, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
03.05.2023 in connection with Special Case No.3947/2023,
arising out of Gardanibagh P.S. Case No.344/2023, dated
02.05.2023, for the offences punishable under Sections 30(a), 36
of Bihar Prohibition and Excise Amendment Act, 2018.

3. According to prosecution case, 1.470 litres of Indian
made foreign liquor is said to have been recovered from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from bare perusal of the F.I.R. as well as
seizure list, it appears that altogether 1.470 litres of Indian made



foreign liquor has been recovered from the possession of the petitioner. There is non-compliance of Section 100 of the Cr.P.C. He further submits that in fact nothing has been recovered from conscious possession of the petitioner rather the police has planted the same and shown the recovery from the possession of the petitioner because of the petitioner has seven criminal antecedent of similar nature and the petitioner is in custody since 03.05.2023.

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 eight criminal antecedent other than the present one.

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 Judge Excise Act, Patna in connection with Special Case No.3947/2023, arising out of Gardanibagh P.S. Case No.344/2023, 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 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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