

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37536 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Raja Kumar S/O Mahesh Kumar Mahto R/O Village- Singhiya Ghat, Ward
No. 9, PS. Bibhutipur, Dist. Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
18.03.2023 in connection with Bibhutipur P.S. Case No. 99 of
2023, F.I.R. dated 17.03.2023 for the offences punishable under
Sections 272, 273, 420, 467, 468, 471/34 of the Indian Penal
Code and Sections 30(a), 32 and 41(i) of the Bihar Prohibition
and Excise Act (Amendment).

4. Recovery is of 3501.690 liters of foreign liquor.

5. 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 of the petitioner rather the recovery has been made from the truck, bolero and tempo in question which was standing in an open place. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor and the petitioner is neither the owner nor the driver of the vehicles in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.03.2023.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the said case.

7. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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 Excise Judge-I, Samastipur in connection with Bibhutipur P.S. Case



No. 99 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 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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