

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49134 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- DELHA District- Gaya

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BUNTY KUMAR S/O RAJ KUMAR PRASAD @ RAJ KUMAR RAUT
R/O Mohalla- Bam Baba Bageshwari Gumti, P.S- Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 26.12.2022, in connection with Delha P.S. Case No. 495 of 2022, F.I.R. dated 25.12.2022 registered for the offences punishable under Sections 30(a), 45 and 37(II) of the Bihar Prohibition and Excise Amendment Act.

3. Allegation against the petitioner is that he was apprehended in drunken state of 61.5 mg/100 ml of alcohol.

4. 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 the petitioner was apprehended in drunken state of 61.5 mg/100 ml. alcohol was found and on search 500 ml. of cane bear was recovered from



the possession of the petitioner. He further submits that there is no allegation of any assault or overt act against the petitioner and co-accused namely Vikash Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 29780 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.12.2022.

5. 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 three more cases other than the present one but fairly submits on the basis of information furnished by the petitioner that the petitioner is on bail in all the cases.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court No. 1, Gaya in connection with Delha P.S. Case No. 495 of 2022, 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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