

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45279 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- DHOLBAJJA District- Bhagalpur

Birendra Poddar S/O Gajendra Poddar R/O- At- Latipakad, P.S. Gopalpur,
Dist. Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 14.12.2022 in connection with Dholbajja (Kadwa) P.S. Case No. 121 of 2022, F.I.R. dated 14.12.2022 registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 160 liters of Mahua liquor.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession of



the petitioner rather the recovery has been made from the Auto in question and the petitioner is not the owner of the Auto in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.12.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, nothing has been recovered from possession of the petitioner, having 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 learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Dholbajja (Kadwa) P.S. Case No. 121 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(II) 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.

(III) 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)

Nitesh/-

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

