

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47979 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- SAKRI District- Madhubani

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Anil Prasad Son Of Rameshwar Prasad @ Bhuteli Prasad Resident Of Village
Bhujauni, Ps- Kirhirapur, Dist- Baliya (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
01.05.2023, in connection with Sakri P.S. Case No. 76 of 2023,
G.R. No. 676 of 2023 F.I.R. dated 30.04.2023 registered for the
offences punishable under Sections 272, 273, 420 of the Indian
Penal Code and Sections 30(a)/32/41 of the Bihar Prohibition
and Excise Act.

3. Recovery is of 151.74 litres of *illicit liquor*.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
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 or the house of the



petitioner rather recovery has been made from the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and having clean antecedent, 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 2nd Additional Sessions Judge cum Special Judge, Excise Act, Madhubani in connection with Sakri P.S. Case No. 76 of 2023, G.R. No. 676 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



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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