

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47305 of 2023

Arising Out of PS. Case No.-365 Year-2023 Thana- MALSALAMI District- Patna

Sanjay Kumar S/O Sankar Rai @ Shanka Rai R/O Village- Kila Ghat, Ps.
Chowk, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
26.05.2023, in connection with Malsalami P.S. Case No. 365 of
2023, F.I.R. dated 25.05.2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Recovery is of 20 litres of illicit liquor.

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 it appears from the
F.I.R. as well as seizure list that nothing has been recovered
from the possession of the petitioner rather recovery has been
made from the motorcycle in question and the petitioner is



neither the owner nor the driver of the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and there is non compliance of Section 100 of the Cr. P.C. He further submits that the petitioner has been falsely implicated in the present case on the ground that the petitioner has previous four criminal antecedents of similar nature and the petitioner is in custody since 26.05.2023.

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 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 of Excise, Patna City, District- Patna in connection with Malsalami P.S. Case No. 365 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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