

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47721 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- AMAUR District- Purnia

HARISH CHANDRA BISHWASH @ HARI CHAND BISHWAS Son of
Late Jini Lal Bishwas Resident of Village-Gangaili, P.S.-Jalalgarh, District-
Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 04-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 31.05.2023 seeks
bail, in connection with Amour P.S. Case No. 177 of 2023, dated
31.05.2023, for the offences punishable under Sections 272,
273, 34 of the Indian Penal Code & Section 30 (a) of Bihar
Prohibition and Excise Act, 2016 (Amended Act, 2018).
3. According to prosecution case, altogether 26.70
litres of foreign liquor is said to have been recovered from the
possession of the petitioner and other co-accused persons.
4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in
the present case. He further submits that from bare



perusal of the F.I.R. as well as seizure list, it appears that altogether 11.640 litres of foreign liquor has been recovered from the possession of the petitioner and other co-accused persons and from perusal of the F.I.R. as well as seizure list, it appears that 11.640 litres of foreign liquor has been recovered from the bag of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 31.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one, in which, he is on bail.

6. Considering the aforesaid facts and circumstances, 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 Court No.2, Purnea, in connection with Amour P.S. Case No. 177/2023, 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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