

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57155 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- ARA NAGAR District- Bhojpur

VISHAL BIND S/O Gorakh Bind R/O Village- Ujiyar Tola, P.S- Ara Nagar,
Distt.- Bhojpur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2023 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 17.05.2023 in connection with Ara Nagar P.S. Case No. 171 of 2023, F.I.R. dated 02.03.2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act 2018.

3. Recovery is of 160 liters of illicit liquor.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The name of the petitioner has been transpired during investigation on the basis of the disclosure made by co-accused person. Further submits that from a bare perusal of the FIR as well as the seizure list that nothing has been recovered



from conscious possession or the house of the petitioner rather the recovery has been made from the open field and except the disclosure made by co-accused person and previous criminal antecedent of the similar nature of the petitioner, nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.05.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one, as mentioned in para-3 of the supplementary affidavit.

6. Considering the aforesaid facts, nothing has been recovered from conscious possession or the house of the petitioner, 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 Court, Bhojpur, Ara in connection with Ara Nagar P.S. Case No. 171 of 2023, 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)

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