

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49443 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- BAHERI District- Darbhanga

Ganesh Nayak Son of Rajendra Nayak Resident of village - Shivram, P.S. -
Baheri, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
29.05.2023 in connection with Baheri P.S. Case No. 169 of
2023, F.I.R. dated 28.05.2023 for the offences punishable under
Sections 420, 467, 468, 471 and 120B/34 of the Indian Penal
Code and Section 30(a), 30(d), 34(a) of the Bihar Prohibition
and Excise Act, 2016/Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. According to prosecution case, some bottles, cap
and rappers have been recovered from the house of the



petitioner.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that no liquor has been recovered from the conscious possession or the house of the petitioner and from perusal of the seizure list it appears that some empty bottles, caps and stickers of Officers Choice have been recovered from the house of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. The petitioner is in custody since 29.05.2023.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three cases.

7. Considering the aforesaid facts and circumstances and the petitioner has 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 the learned Exclusive Special Judge 1



(Excise Act), Darbhanga in connection with Baheri P.S. Case No. 169 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 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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