

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53254 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

Arun Singh S/O Ram Lakhan Singh R/O Village- Ahirauli Dan, Ps. Tareya
Sujan, Dist. Kushinagar (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
21.05.2023 in connection with Vishambharpur P.S. Case No. 79
of 2023, F.I.R. dated 20.05.2023 for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Recovery is of total 153 liters of illicit liquor.

4. 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 nothing has been recovered from the
conscious possession or the house of the petitioner rather the
recovery has been made from the motorcycle in question. He



further submits that petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and the petitioner is in custody since 21.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one, in which petitioner is on bail.

6. Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle, 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 Additional District and Session Judge 4th cum-Exclusive Special Judge, Excise, Court No.-II, Gopalganj in connection with Vishambharpur P.S. Case No.79 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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