

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57620 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- TEKARI District- Gaya

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Sujit Kumar @ Sujeet Kumar Son of Ramashish Yadav Resident of Village-
Amra Khaira, P.S.-Tekari, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.07.2023 in connection with Tekari (Panchanpur O.P.) P.S.
Case No. 425 of 2022, F.I.R. dated 08.07.2022 for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. Recovery is of 50 liters of country made 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 of the petitioner rather the recovery has
been made from the motorcycle in question and the petitioner



was not apprehended at the spot. He further submits that the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused, namely, Pankaj Kumar. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. The petitioner is in custody since 03.07.2023.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two criminal antecedents other than the present one.

6. 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 Excise Court No. 2, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 425 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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