

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54152 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- KANHAULI District- Sitamarhi

RAJAN PAHARI @ RAJAN PRASAD @ RAJAN KUMAR Son of Bhola
Sah Resident of Kot Bazar, Ward No. 4, Police Station-Sitamarhi, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
11.06.2023, in connection with Kanhauli P.S. Case No. 194 of
2022, F.I.R. dated 15.12.2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. Recovery is of 648 litres of *illicit liquor*.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case due to his previous criminal antecedent of the
similar nature. 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 and the name of the petitioner has been transpired on the basis of disclosure made by the apprehended persons and the petitioner is in custody since 11.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Sitamarhi in connection with Kanhauli P.S. Case No. 194 of 2022, 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



witness, 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 antecedents, 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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