

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57176 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- BAHADURPUR District- Patna

Chintu Kumar Son Of Late Vijay Prasa R/O Village Nand Nagar Colony, Ps-
Bahadurpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 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 Bahadurpur P.S. Case No. 30 of
2022, F.I.R. dated 31.01.2022 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

3. According to prosecution case, recovery of six
liters of country-made Mahua liquor has been made from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has is innocent and he has falsely been implicated in
the present case due to his previous criminal antecedent. He
further submits that name of the petitioner is transpired on the



basis of the disclosure made by the co-accused person and nothing has been recovered from the conscious possession of the petitioner. He further submits that recovery has been made from the garbage near the house of the petitioner and the petitioner has no concern at all with the alleged recovery of the liquor. He further submits that the petitioner is remanded in the present case from another case i.e., Bahadurpur P.S. Case No. 229 of 2023. 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 petitioner carries seven cases of the similar nature other than the present one.

6. Considering the aforesaid facts and circumstances, 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 Special Excise Court of Excise, Patna City (Patna), in connection with Bahadurpur P.S. Case No. 30 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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