

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57359 of 2023

Arising Out of PS. Case No.-524 Year-2023 Thana- SIKARPUR District- West Champaran

Budhai Patel Son Of Late Suresh Patel R/O Vill- Semra Chowk P.S Shikarpur
District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey,Advocate

For the Opposite Party/s : Mrs.Gulnar Begum,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 26.06.2023 in connection with Shikarpur P.S. Case No. 524 of 2023, F.I.R. dated 25.06.2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 50 liters of country made liquor.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case merely on the basis of suspicion. Further submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from behind the



house of the petitioner and he has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 26.06.2023.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, 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 learned Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 524 of 2023, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

U		T	
---	--	---	--

