

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61427 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Chhotu Kumar @ Sandeep Kumar Son Of Dharmaraj Ram Resident Of
Village- Ugna, Ps- Jagdishpur, District -Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Jagdishpur P.S. Case No. 253 of 2023, registered for the offences punishable under Sections 30(a)(c), 41(1)(2) and 45 of the Bihar Prohibition & Excise Act.

3. 40 litres of illicit liquor and manufacturing items were recovered from the place of recovery.

4. Learned counsel for the petitioner submits that petitioner has got clean antecedent and he has been falsely implicated in this case on the basis of confessional statement of co-accused Rangila Paswan. He further submits that from bare perusal of the FIR, it appears that nothing has been recovered from conscious possession of this petitioner and he has got no



concern with the seized liquor.

5. Learned APP for the State on the other hand vehemently opposes the prayer for bail.

6. Considering the fact that petitioner claims clean antecedent and nothing has been recovered from his conscious possession, let the petitioner above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Judge Court No. 1, Bhojpur at Ara in connection with Jagdishpur PS Case No. 253 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further 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 liable to be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witness, in that case, 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 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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