

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58273 of 2022

Arising Out of PS. Case No.-211 Year-2019 Thana- TILAUTHU District- Rohtas

Madan Gond Son of Late Manik Chandra Gond Resident of village-
Dhaudarh, P.S- Sasaram (Muffasil), District- Rohtas at Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in a case registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

Recovery is of 10800 liters of foreign liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that the recovery has been
made from a truck in question and not from petitioner's
conscious possession. He further submits that petitioner is not
named in the F.I.R. and the name of the petitioner has
transpired on the basis of the confessional statement of co-
accused, namely, Rinku Singh @ Baljit Singh. He further
submits that the petitioner has no concern at all with the alleged



recovery of the illicit liquor. He further submits that the petitioner is in custody since 16.06.2022.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedents other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has transpired on the basis of the confessional statement of co-accused, namely, Rinku Singh @ Baljit Singh, 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 Court below where the case is pending in connection with Tilauthu P.S. Case No. 211 of 2019, with 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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