

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69803 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- BAHADURPUR District- Patna

PINTU KUMAR Son of Late Vijay Prasad Resident of Mohalla- Nand Nagar
Colony, PS- Bahadurpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

Recovery is of total 15 liters of country made (Mahua)
liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that 15 liters of country made (Mahua)
liquor has been made from the possession of the petitioner. He
further submits that nothing has been recovered from the
conscious possession of the petitioner rather the recovery has



been made from the road side and the petitioner has falsely been implicated in the present case and the petitioner has no concern at all with the alleged recovery of illicit liquor. The petitioner is in custody since 02.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries seven criminal antecedents other than the present one as mentioned in Para-3 but the petitioner is on bail in serial Nos. 5, 6 and 7 and petitioner was remanded in serial Nos. 1, 2, 3 and 4 after the present case.

Considering the aforesaid facts and circumstances, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bahadurpur P.S. Case No. 328 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 witnesses, 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 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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