

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70591 of 2022**

Arising Out of PS. Case No.-429 Year-2022 Thana- SHIVSAGAR District- Rohtas

Chhotu Khatik @ Aman Raj Khatik Son of Late Jaga Khatik Resident of  
Village- Bhadokhara, P.S.- Darigawn, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate  
For the Opposite Party/s : Mrs. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      05-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in connection with Shivsagar P.S.  
Case No. 429 of 2022 registered for the offences punishable  
under Section 30(a) of the Bihar Prohibition and Excise  
Amendment Act, 2018.

Recovery is of 80 litres of country made liquor.

Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has been falsely  
implicated in the present case. He further submits that it  
appears from the F.I.R. as well as seizure list that nothing has  
been recovered from the conscious possession of the petitioner  
rather recovery has been made from the motorcycle in question.  
He further submits that there is non compliance of Section 100



of the Cr. P.C. and the petitioner has no concern at all with the alleged recovery and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, 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 Exclusive Special Excise Court No. 2 cum Additional District & Sessions Judge, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 429 of 2022, 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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