

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72861 of 2022

Arising Out of PS. Case No.-418 Year-2022 Thana- RIGA District- Sitamarhi

RAJ KUMAR S/o Ram Ishwar Mahto @ Ishwar Mahto R/v- Rampur Parori,
P.S.- Punaura, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
26.09.2022 in connection with Riga P.S. Case No. 418 of 2022,
F.I.R. dated 25.09.2022 registered for the offence punishable
under Section 414 of IPC and Section 30(A) of Bihar
Prohibition and Excise Act, 2016.

Recovery is of 423 liters of illicit liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that it appears
from the FIR as well as seizure list that nothing has been
recovered from conscious possession or the house of the



petitioner rather the recovery has been made from the Tempo in question and the petitioner is neither the driver nor the owner of the Tempo in question and the petitioner has no concern at all with the alleged recovery of liquor or the Tempo in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.09.2022.

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

Considering the aforesaid fact, nothing has been recovered from conscious possession or the house 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Excise Court-I, Sitamarhi in connection with Riga P.S. Case No. 418 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/her absence on two consecutive dates without sufficient reason, his/her 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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