

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73603 of 2022

Arising Out of PS. Case No.-309 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Rohit Kumar Son of Shivji Sah @ Shivji Sha R/V- Dhami Tola Parihar, PS-
Parihar, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
16.09.2022 in connection with Sitamarhi P.S. Case No. 309 of
2022, F.I.R. dated 15.09.2022 for the offences punishable under
Sections 30(a) and 32(3) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

Recovery is of 81 liters of Nepali Saufi liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent 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 81 liters of Nepali Saufi liquor has been recovered from the possession of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the SSB Personnel has intercepted the petitioner and has falsely implicated him in the present case and shown that the recovery has been made from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and and the fact that the petitioner has 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 the learned Special Judge Exclusive Special Excise Court No. - II, Sitamarhi in connection with Sitamarhi P.S. Case No. 309 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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