

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78841 of 2023

Arising Out of PS. Case No.-263 Year-2021 Thana- KHARIK District- Bhagalpur

Arvind Kumar Sah @ Arvind Kumar Son Of Murari Prasad Sahu R/O
Village- New Madukam Swarn Jayanti Nagar Ranchi, P.S.- Sukhdev Nagar,
District- Ranchi (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-12-2023 Heard Mr. Sudhir Kumar Sinha, learned counsel for
the petitioner and Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Kharik P.S. Case No. 263 of 2021(G.R. No. 1592 of 2021),
FIR dated 09.11.2021, registered for offence punishable under
Sections 30(a), 36, 41(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Earlier the petitioner has been granted bail vide
order dated 11.03.2022 in Cr. Misc. No.72356 of 2021 and the
bail bond of the petitioner has been cancelled vide order dated
03.01.2023 on the ground that the petitioner was not present on
the particular date.

4. Learned counsel for the petitioner submits that he



has undertaking that he shall appear each and every date as fixed by the learned trial court.

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

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Excise Judge, Ist, Bhagalpur in connection with Kharik P.S. Case No. 263 of 2021, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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