

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1413 of 2023

Arising Out of PS. Case No.-623 Year-2022 Thana- DARIYAPUR District- Saran

Rishu Kumar @ Shivu Son of Raviranjana Sharma Resident of village- Poari,
P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2023 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
19.11.2022 in connection with Dariyapur P.S. Case No. 623 of
2022, F.I.R. dated 18.11.2022 for the offences punishable under
Sections 30(a), 41(1) (2) of Bihar Prohibition Amendment
Excise Act, 2016.

Recovery is of 308.430 liters of foreign english wine.

Learned counsel for the petitioner submits that
petitioner 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 nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question. He further submits that the petitioner is neither the owner nor the driver of the vehicle in question and he has no concern at all with the alleged recovery of the illicit liquor. He further submits that only on the basis of previous criminal history of the petitioner, his name was falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one and also submits that the petitioner is on bail in both the cases.

Considering the aforesaid facts and circumstances and the fact that the due to previous criminal history his name was falsely implicated, 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 2nd Additional District & Sessions Judge cum 1st Special Judge Excise Saran at Chapra in connection with



Dariyapur P.S. Case No. 623 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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