

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67342 of 2024

Arising Out of PS. Case No.-247 Year-2024 Thana- Excise P.S. District- Rohtas

Pintu Kumar Son of Lalan Bind Resident of Village - Mahammadpur, Police Station - Baddi (Sheosagar), District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Deepti Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Ms. Deepti Pandey, learned counsel for the petitioner and Mr. Sanjay Kumar Sharma, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 08.07.2024, in connection with Sasaram Excise P.S. Case No. 247 of 2024, FIR dated 09.07.2024 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 50 litres of country made chulai liquor.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that as per the allegation in the FIR altogether 50 litres of country made chulai liquor was recovered from the



motor-cycle and petitioner was apprehended along with the liquor in question. He further submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. The petitioner is rotting in judicial custody since 09.07.2024.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent and nothing has been recovered from the conscious possession of the petitioner, let the, above named, petitioner 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 Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Sasaram Excise P.S. Case No. 247 of 2024 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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