

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35600 of 2017

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1. Parmanand Kumar @ Parmanand Gupta S/o Late Krishan Lal Sah
Resident of Village - Bairiya Bazar Shankar Saraiya, P.S. - Turkaulia,
District - East Champaran.

2. Pramod Mahto S/o Ramashish Mahto Resident of Village - Pipariya, P.S.
- Turkauliya, District - East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 07-08-2017

Heard learned counsel for the petitioners.

This is an application for bail in connection with
Chakiya P.S.Case No. 122 of 2017 registered for the offences
punishable under Sections 272, 273, 290 of the Indian Penal Code
and 30(a), 50G/57 & 50 of Bihar Excise Act, 2016.

Allegation is of recovery of 80 litres of foreign liquor
from the petitioners.

It has been submitted on behalf of the petitioners that
petitioner No.2 has no criminal antecedent and petitioner No.1 has
criminal antecedents having two other cases of similar type and in
one of them petitioner is on bail and they are in custody for three
months.



Heard learned APP also.

Having heard both sides and considering the aforesaid facts and circumstances, let the petitioner No.2, named above, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-XIII, East Champaran, Motihari, in connection with Chakiya P.S.Case No. 122 of 2017, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

So far prayer for bail of petitioner No.1 is concerned, in the facts and circumstances and also he has criminal antecedents, I am not inclined to grant bail to petitioner No.1.



Prayer for bail of petitioner No.1 is rejected.

However, learned trial court is directed to expedite the trial of petitioner No.1 and try to conclude it within four months. If trial is not concluded within the said period, the petitioner may renew his prayer for bail.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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