

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22842 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -BAUNSI District- BANKA

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1. Tunna Ram, Son of Ishwar Ram, Resident of Village- Barbigha Moudar, P.S.- Barbigha, District- Sheikhpura.
2. Ashwani Kumar, Son of Sadanand Singh, Resident of Village- Babhanbiga, P.S.- Barbigha, District- Sheikhpura,
3. Rajesh Kumar, Son of Bal Kishor Singh, Resident of Village- Nirpur, P.S. - Bind, District- Nalanda, at present Shivpuri (Muhalla), P.S.- Barbigha, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s: Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-07-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners are languishing in judicial custody since 04.02.2017 in connection with Bounsi P. S. Case No. 20 of 2017 for offences alleged under Section 30 (a) of the Bihar Prohibition and Bihar Excise Act, 2016 and Sections 272, 273 and 120 (B) of the Indian Penal Code.

The prosecution case as lodged by the police personnel is that a white Bolero car of the petitioners were searched and 114 bottles of foreign liquor of 180 ml were recovered while the



petitioners were apprehended they disclosed that a truck was coming from behind in which huge quantity of foreign liquor was seized.

It has been submitted by the learned counsel for the petitioners that they are innocent, have been falsely implicated in the aforesaid case. It is further submitted that nothing has been recovered from their conscious possession and they had no concern with the said truck and that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Considering the facts and circumstances and materials on record, let the petitioners, above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S.Case No. 20 of 2017, subject to the conditions that both the bailors would be close relatives of the petitioners having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, and will file an affidavit stating their relationship with the petitioners and petitioners will appear before



the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

It is further made clear that if in future, petitioners indulge in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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