

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18943 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -KOPA District- SARAN

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1. Brij Kishore Rai, S/o Mahesh Rai.
2. Raju Ram, S/o Chandrama Ram, Both are resident of Village- Kumna,
P.S.- Kopa, Distt.- Saran (Chapra).

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Kumar Virendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-04-2017

Heard learned counsel for the petitioners.

This is an application for bail in connection with Kopa P.S.Case No. 17 of 2017 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(A) of Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioners is of recovery of 30 litres of country made liquor from the motorcycle, which was driven by the petitioner No.2 and petitioner No.1 is pillion rider.

It has been submitted on behalf of the petitioners that falsification of prosecution case appears from the fact that petitioner No.1 is handicapped person and it is impossible for him to carry such quantity of liquor in the motorcycle. It has further been submitted that both the petitioners have clean antecedent and they are in custody since 1.3.2017.

Heard learned APP also.



Having heard both sides and considering the aforesaid facts and circumstances, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-IV, Saran, Chapra, in connection with Kopa P.S.Case No. 17 of 2017, subject to the conditions that :-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their 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 their bail.

(Vinod Kumar Sinha, J)

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