

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67920 of 2018

Arising Out of PS. Case No.-219 Year-2018 Thana- KOTWA District- East Champaran

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1. Surendra Rai @ Surendra Prasad Yadav Son of Late Rekha Rai
 2. Santosh Yadav Sonof Surendra Rai @ Surendra Prasad Both are resident of Village Dipan P.S. Kotwa Motihari, Distt. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Sheela Pandey

For the Opposite Party/s : Mr. Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 28-11-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Kotwa P.S. Case No. 219 of 2018** registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) and 35(b) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioners is of recovery of 36.540 Litres of foreign liquor.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. Petitioner no. 1 has got criminal antecedent whereas petitioner no. 2 has got no criminal antecedent. Petitioners are in custody since 28.08.2018.

Considering the aforesaid facts and circumstances of



the case and the fact that petitioner no. 2 has got no criminal antecedent, let **Petitioner no. 2** be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise Motihari, East Champaran**, in connection with **Kotwa P.S. Case No. 219 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

So far as petitioner no. 1 is concerned, as he is having criminal antecedent, he be released on bail **after completing six months of Jail custody**, upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Special Judge, Excise Motihari, East Champaran**, in connection with **Kotwa P.S. Case No. 219 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will



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(S. Kumar, J)

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