

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76157 of 2018

Arising Out of PS. Case No.-377 Year-2018 Thana- MAIRWAN District- Siwan

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1. Harendra Chaudhary Son of late Sanjay Chaudhary
 2. Jitendra Chaudhary Son of Chhote Lal Chaudhary Both are Residents of Village and P.S. Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Sri Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 19-12-2018 Heard learned counsel for the parties.

Petitioners seek bail in **Mairwa P.S. Case No. 377 of 2018** registered for the offence punishable under Sections 272, 273, 308 and 34 of the Indian Penal Code and under Section 30(a), 38(1) and 41(1) of Bihar Excise Act, 2016.

Allegation against petitioners is of recovery of 43.500 litre of English wine from the motorcycle which was being driven by them.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to highhandedness of police. Seizure list was not prepared under Section 100(6) of the Cr.P.C. No incriminating article has been recovered from their possession. They are in custody since



28.09.2018.

Considering the criminal antecedent of the petitioners
I am not inclined to enlarge the petitioners on bail. Hence, the
prayer for bail of the petitioners is hereby rejected.

**However, it observed that petitioners be released
on bail after completing six months of Jail custody, upon
furnishing bail bonds of Rs. 10,000/- each with two sureties of
the like amount each to the satisfaction of learned 2nd
Additional Sessions Judge cum Special Judge Excise, Siwan
in connection with Mairwa P.S. Case No. 377 of 2018 with
following conditions:-**

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

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

(3) If the petitioners tamper 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 petitioners.

(4). If the petitioners are found involved in
similar nature of offence, after their release on bail, the trial
court shall take steps to cancel their bail bonds.

(S. Kumar, J)

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