

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9221 of 2019

Arising Out of PS. Case No.-392 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

1. Upendra Singh aged about 30 years (M), Son of Rameshwar Singh, Resident of Village- Sikhauna, P.S.- Kalyanpur, District- East Champaran.
2. Sujeet @ Chabila, aged about 32 years (M), Son of Ramdeo Singh, Resident of Village- Kotwa, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 26-02-2019 Heard learned counsel for petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Kuchaikote P.S. Case No. 392 of 2018 registered for the offences punishable under Sections 420, 467, 468, 414 of the Indian Penal Code, and Section 30(a), (b), (c), 38, 41(a) (b) of the Bihar Prohibition and Excise Act.

Informant who is police officer has alleged that while he was on vehicle checking duty he saw two persons on a tanker and seeing police party they started fleeing away after leaving the tanker, but on chase they were apprehended and disclosed their names as co-accused Parmohit and Rahul. On search total 3456.720 liters of foreign liquor was recovered.



It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They have not been apprehended on the spot. They have been falsely implicated in this case on the basis of confessional statement. Nothing incriminating articles have been recovered from the conscious possession of the petitioners. Petitioners are in custody since 30.12.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, gopalganj, in connection with Kuchaikote P.S. Case No. 392 of 2018, subject to 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 represented on each and every date fixed by the court.
- (3) If the petitioners 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



petitioners.

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

(S. Kumar, J)

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