

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10230 of 2019

Arising Out of PS. Case No.-183 Year-2018 Thana- KALYANPUR District- Samastipur

1. SUNIL RAI AND ANR Son of Modi Rai @ Modi Ray Resident of Village- Jakhra, P.S.- Kalyanpur, District- Samastipur.
2. Dilip Rai Son of Modi Rai @ Modi Ray Resident of Village- Jakhra, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in connection with Kalyanpur P.S. Case No. 183 of 2018 registered for the offence punishable under Sections 272/273/120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 182.08 litres of foreign liquor from the Bhuskar of Modi Rai.

It has been submitted on behalf of the petitioners that at the time of occurrence they were in judicial custody. Although petitioners have criminal antecedent but since on the



date of occurrence they were in judicial custody, there cannot be any participation in alleged crime by them. Petitioners are in custody since 22.12.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ^{3rd} Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, in connection with Kalyanpur P.S. Case No. 183 of 2018 subject to the conditions that:-

(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 are found involved in similar nature of offences, after their release on



bail the trial court shall take steps to cancel their
bail bonds.

(S. Kumar, J)

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