

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10883 of 2019

Arising Out of PS. Case No.-670 Year-2018 Thana- KAHALGAON District- Bhagalpur

1. MITHUN KUMAR, aged about 25 years, (M) Son of Birbal Paswan
Resident of Village - Ladama, P.S-Kahalgaon, Dist.-Bhagalpur
2. Chhotu Kumar, aged about 26 years, (M) Son of Darogi Mandal Resident of
Village - Kulkuliya, P.S-Kahalgaon, Dist.-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 03-04-2019

Heard learned counsel for the parties.

Petitioners, who are in custody, seek bail registered for the offences punishable under Sections 188 and 290 of the Indian Penal Code under Section 30(a) and 56 (d) of the Bihar Prohibition and Excise Act.

Allegation is recovery of 54.200 litre of country made wine from the possession of petitioner which was kept in a jute sack on the motorcycle and was being ridden by both the petitioners while they were coming from Jharkhand to Bihar.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case only on the basis of suspicion and nothing has been recovered



from their possession. Petitioners have got no criminal antecedent and are in custody since 31.10.2018.

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/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Kahalgaon (Rasalpur) P.S. Case No. 670 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(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 petitioner.



(4). If the petitioners is 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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