

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75528 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- KARAI PARSURAI District- Nalanda

1. PAPPU KUMAR, aged about 26 years (Male), Son of Late Shyam Babu Chaudhary, Resident of Malsalami Master Colony, P.S.- Malsalami, Distt - Patna.
2. Bishnu Chaudhary, aged about 25 years (Male), Son of Late Jaglal Choudhary, Resident of Bari Bangala, Patna City, P.S.- Malsalami, Distt - Patna.
3. Vinay Kumar, aged about 28 years (Male), Son of Krishna Prasad, Resident of Village - Gohatta Patna City, P.S.- Khajekala, Distt. - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 26-11-2019

Heard learned counsel for the parties.

Petitioners seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Informant who is a police officer has alleged in his written complaint that on 19.10.2019 at about 8.30 a.m., he received a confidential information that on a E-rickshaw having a specific registration number, illicit liquor is loaded and in order to confirm said information, he along with other police personnel went at the place of occurrence and stopped said E-rickshaw and 52 litres country-made liquor was recovered



which was concealed in said E-rickshaw. From the said E-rickshaw, three persons, who are petitioners, were apprehended on the spot.

It has been submitted on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case. It has further been submitted that there is no criminal antecedent of petitioner nos.1 and 3 whereas petitioner no.2 is having criminal antecedent of similar nature.

Considering the aforesaid facts and circumstances of the case and in view of the fact that petitioner nos.1 and 3 have no criminal antecedent, let the **petitioner no.1 (Pappu Kumar) and petitioner no.3 (Vinay Kumar)** be released on bail upon furnishing bail bond 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 Karai Parsurai P.S. Case No.144 of 2019, 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 offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

As far as **petitioner no.2** is concerned, since he is having criminal antecedent, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner no.2 is hereby rejected.

However, after completion of 6 months in custody, petitioner no.2 would be at liberty to renew his prayer for bail.

(S. Kumar, J)

Sanjay/-

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