

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79509 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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1. MANOJ KUMAR son of Late Birhaspati Kamti Resident of Ward No. 22, Prabhat Colony (P.W.D.), Panchmukhi Mandir, P.S.- Khajanchi Hat, District- Purnia.
 2. Sumit Kumar Son of Late Subrat Kumar Das Resident of Ward No. 24, Vivekanand Colony, Rajani Chowk, Bhatta Bazar, P.S.- Khajanchi Hat, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

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

Allegation is recovery 90.030 litres of country made liquor from the Santro Car in which petitioners were sitting.

It has been submitted on behalf of petitioners that petitioners are innocent and have been falsely implicated in this case. Nothing has been recovered from their conscious possession. Petitioner No. 1 has no criminal antecedent whereas



petitioner No. 2 is having one antecedent as disclosed in para 3 of this petition for offence of similar nature.

Considering the aforesaid facts and circumstances of the case, let the petitioner No.1 named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Special Case No. 1440 of 2019 arising out of Sadar Circle Excise Case No. 46/19 subject to the conditions that:-

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

(2) Petitioner No. 1 shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner No.1 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 No. 1.

(4) If the petitioner No. 1 is found involved in similar nature of offences, after



their release on bail the trial court shall take steps to cancel his bail bond.

So far as petitioner No. 2 is concerned. He is having one criminal antecedent for offence of similar nature, I am not inclined to grant bail to petitioner No. 2. Accordingly the prayer for bail of petitioner No. 2 is rejected at this stage.

However, petitioner No. 2 may renew his prayer for bail after framing of charge. If charges have already been framed in this case, petitioner No. 2 shall be released on bail in the court below itself on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below, in connection with Special Case No. 1440 of 2019 arising out of Sadar Circle Excise Case No. 46/19 subject to the conditions that:-

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

(2) Petitioner No. 2 shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at



liberty to cancel his bail bond.

(3) If the petitioner No. 2 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 petitioner No. 2.

With the above observation, this application is disposed of.

(S. Kumar, J)

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