

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21061 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- MEHANDIA District- Jehanabad

1. SANJAY KUMAR SON OF LATE DHARM SINGH RESIDENT OF VILLAGE- H. N-690, B.P.O. KAHANI-12.1/2 BISWA, KAHANI 12.1/2 BISWA (78), ROHTAK, P.S.- ROHTAS SADAR, DISTRICT- ROHTAK, HARIYANA-124303.
2. RAJESH KUMAR SON OF DALIYA SINGH @ DARIYA SINGH R/O- KAHANI 12.1/2 BISWA (78) KAHANI, ROHTAK, P.S.- ROHTAK SADAR, DISTRICT- ROHTAK, HARIYANA-124303.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jogendra Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., App

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-12-2021 A supplementary affidavit has been filed on behalf of the petitioners to make necessary correction in para-10 of the bail petition.

Learned counsel for the petitioners is permitted to make necessary correction.

Let the defect(s), if any, as pointed out by the Office, be removed within four weeks of start of normal functioning of the physical Court.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail in connection with



Excise Case No.1074 of 2020 arising out of Mahandia P.S.
Case No. 167 of 2020 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, about 5238 Indian made
foreign liquor has been recovered.

Learned counsel for the petitioners submits that the
petitioners have clean antecedent and they have falsely been
implicated in the present case. He further submits that the
petitioners are driver and co-driver of the said truck in question.
He further submits that nothing has been recovered from the
conscious possession of the petitioners and they have no
knowledge about the seized liquor. Petitioners are in custody
since 29.12.2020.

However, learned APP for the State on the basis of
the case diary vehemently opposed the prayer for regular bail
of the petitioners.

Considering the aforesaid facts and circumstances
and the period of custody of the petitioner, the above named
petitioners are directed to be released on bail on furnishing bail
bond of Rs.10,000/- (ten thousand) each with two sureties of the
like amount each to the satisfaction of learned Additional
Sessions Judge-II-cum-Special Judge Excise, Jehanabad in



connection with Excise Case No. 1074 of 2020 arising out of Mehandia P.S. Case no. 167 of 2020 with following conditions:-

(i) Petitioners 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 on absence on two consecutive dates without sufficient reason, bail bond shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of



verification.

(v) One of the bailors shall be local residents under the jurisdiction of Jehanabad district.

(Rajesh Kumar Verma, J)

brajesh kumar/-

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