

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28079 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

1. GUDDU KUMAR PASWAN @ GUDDU PASWAN S/O LATE SUBI LAL PASWAN @ LATE SUBA LAL PASWAN R/o village- Ramnathpur Chatauna, P.S.- Muffasil, District- Samastipur
2. Santosh Kumar S/o Late Shivnath Ray R/o village- Bahadurpur, P.S.- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Kochadhaman P.S. Case No. 18 of 2021 (Special Case No. 25 of 2021) registered for the offence under Sections 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 540 litres of illicit liquor.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the vehicle in question and the petitioners have no concern with the alleged recovery. The petitioners are rotting in judicial custody since 14.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 District and Sessions Judge-II -cum- Special Judge, (Excise), Kishanganj in connection with Kochadhaman P.S. Case No. 18 of 2021 (Special Case No. 25 of 2021) with the following conditions:-

(1) 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the



Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

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