

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29710 of 2021**

Arising Out of PS. Case No.-39 Year-2021 Thana- DURAULI District- Siwan

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1. SANTOSH CHOUHAN S/O DEENA NATH CHOUHAN R/O VILLAGE-DARAULI, P.S.-DARAULI, DISTRICT-SIWAN
 2. BHUPENDRA RAM S/O PARMESHWAR RAM R/O VILLAGE-DARAULI, P.S.-DARAULI, DISTRICT-SIWAN.
 3. SANTOSH RAM S/O SUKUL RAM R/O VILLAGE-VATOLIYA PATEL MOR, P.S.-DARAULI, DISTRICT-SIWAN.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-12-2021 Heard the parties through video conferencing.

Heard Ms. Kumari Anupam, learned counsel appearing on behalf of the petitioners and Tapeswar Sharma, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners, who are in custody since 09.02.2021, seeks bail in connection with Darauli P.S. Case No. 39 of 2021, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution case, in brief, is that a raid was conducted by officers of the Darauli Police Station near Darauli Ghat, where boat along with the illicit Mahua liquor measuring



total 172 litres were seized.

Learned counsel appearing on behalf of the petitioners submits that petitioners have got clean antecedent and they have falsely been implicated in this case. He further submits that neither the concerned boat nor the seized items belong to the petitioners and nothing has been recovered from the physical possession of the petitioners.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioners with submission that huge quantity of illicit liquor has been recovered and as such the petitioners do not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, it is directed that the learned Court below after verifying the criminal antecedent of the petitioners and after being satisfied as to whether any other criminal case or excise case is pending against the petitioners and on being satisfied that no other criminal case is pending, the petitioners, above named, be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) each with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-II-cum-Special Judge, Siwan in connection with Darauli P.S. Case No. 39 of 2021 subject to the 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 offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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