

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36712 of 2021

Arising Out of PS. Case No.-270 Year-2020 Thana- BHAGWANPUR District- Begusarai

1. Mukesh Kumar S/O Bhola Singh Resident Of Village Mokhtiyarpur, P.S-Bhagwanpur, District-Begusarai.
2. Krisna Kumar S/O Shashishekhar Pd. Singh Resident Of Village Mokhtiyarpur, P.S-Bhagwanpur, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2021 Let the defects, if any, be removed within four weeks
of the complete start of the Physical Court.

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in
connection with Bhagwanpur P.S.Case No. 270 pf 2020 for the
offences punishable under Section 30 (a) Of Bihar Prohibition
& Excise Act.

On secret information, 392 liters of foreign liquor was
recovered from Tata 709.

Learned counsel for the petitioners submits that they
have been falsely implicated in the present case, only on the



basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioners. He further submits that petitioners have no concerned with the seized vehicle and recovered liquor in question. Petitioner no. 1 is in custody since 22.03.2021 and petitioner no.2 is in custody since 18.03.2021.

The learned A.P.P opposed the prayer for bail of the petitioners and submits that the petitioners are having two cases of same nature ie. Bhagwanpur P.S.Case No. 211 of 2019 and Bhagwanpur P.S.Case No. 171 of 2020, which is mentioned in paragraph -3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Begusarai in connection with Bhagwanpur P.S. Case No. 270 of 2020, subject to 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 cancelled 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.

3. 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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