

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36893 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- RAGHOPUR District- Vaishali

1. RAHUL KUMAR Son of Surendra Rai Resident of Village - Litiyahi, P.S.- Raghapur, Distt.- Vaishali.
2. LAKHINDRA RAI Son of Surendra Rai Resident of Village - Litiyahi, P.S.- Raghapur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2021 At the outset of the argument, it is submitted that petitioners filed Cr. Misc. No. 9724 of 2021 and Cr. Misc. No. 6168 of 2021 for grant of anticipatory bail but during the pendency of the petition the petitioners were arrested by the police and the petition has become infructuous.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 414/34 of the Indian Penal Code and under Section 30 (a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 1284.270 liters of foreign



liquor has been recovered from a Pick-up van and one co-accused, Pankaj Rai, was apprehended on the spot, who disclosed the name of these petitioners.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioners and they are no way concerned with the alleged recovery. Petitioners claim clean antecedent and they are in custody since 06.04.2021 and investigation in this case is complete .

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Vaishali at Hajipur in connection with Raghapur (Rustampur)PS case No. 93/2020 on 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 his/ her absence on two consecutive dates without sufficient reason, his/her 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.

(Prabhat Kumar Singh, J)

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