

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37755 of 2021**

Arising Out of PS. Case No.-201 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. RAJNISH KUMAR JHA SON OF AMARNATH JHA @ AMAR NATH JHA Resident of Village - Binodpur, P.s.- Mufassil (Singhoul), Distt.- Begusarai.
 2. MONU KUMAR @ BHULLA SON OF JATA SHANKAR SINGH Resident of Village - Binodpur, P.s.- Mufassil (Singhoul), Distt.- Begusarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghendra Pratap Singh, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State in virtual court.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Mufassil P.S. Case No. 201 of 2021 registered for the offences punishable under Sections 120(B) of IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 62.16 litres of illicit foreign liquor.

Learned counsel for the petitioners submits that



petitioner no. 1 has clean antecedent and petitioner no. 2 has one criminal antecedent. It is further submitted that petitioners have committed no offence and they have falsely been implicated in the present case. No incriminating article has been recovered from possession of the petitioners. Learned counsel further submits that co-accused Rohit Kumar Sah has been granted bail by a co-ordinate Bench of this court vide order dated 17.09.2021 passed in Cr. Misc. No. 38829 of 2021. Petitioners are in custody since 30.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Begusarai in connection with Mufassil P.S. Case No. 201 of 2021, 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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