

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45426 of 2021

Arising Out of PS. Case No.-237 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

1. ARUN SIDHARTH Son of Hira Lal Resident of Nagafgarh, P.S.- Nagafgarh, District - Noth West Delhi (Delhi)
2. Ketan Kumar Son of Chandraveer Singh Resident of Nagafgarh, P.S.- Nagafgarh, District - Noth West Delhi (Delhi)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through virtual mode.

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 Mohania P.S. Case No. 237 of 2021 registered for the offences punishable under Sections 467, 468, 471, 420 of the IPC and Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

According to prosecution case, 3777.48 litres of illicit liquor are said to have been recovered from a truck.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. Learned counsel further submits that petitioners have no concern with the seized liquor in question. Petitioners are driver and cleaner of the vehicle in question. Petitioners are in custody since 18.06.2021.

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, Kaimur at Bhabua in connection with Mohania P.S. Case No. 237 of 2021, subject to the following conditions:-

1. Both the bailors shall be the resident of territorial jurisdiction of the learned court below.
2. 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.

3. 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.

4. 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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