

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46778 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- BARUN District- Aurangabad

1. PANKAJ KUMAR Son of Baliram Singh Resident of Village- Chura, P.S.- Barun, District- Aurangabad.
2. Monu Kumar Son of Parshuram Singh Resident of Village- Chura, P.S.- Barun, District- Aurangabad.
3. Baliram Singh @ Balram Singh Son of Late Nithali Singh Resident of Village- Chura, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seeks bail in connection with Barun P.S. Case No. 92 of 2021 corresponding to Special Case No. 524 of 2021 registered for the offence under Sections 30(a), 37(b)(c) of the Bihar Excise Prohibition Act, 2018.

Recovery is of 307.500 liters of country made liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent



and have falsely been implicated in this case. Neither the alleged recovery has been made from the conscious possession of the petitioners nor they are engaged in any illegal trading of illicit liquor. Merely on the basis of suspicion, these petitioners have been made accused in this case. The petitioners have no concern with the alleged recovery of liquor. Moreover, the co-accused, Mithilesh Ram, having more or less similar allegation, has already been granted bail by this Court vide order dated 03.12.2021 passed in Cr. Misc. No. 37311 of 2021 and the co-accused, Kunwar Singh has also been granted bail by a co-ordinate Bench of this Court vide order dated 24.09.2021 passed in Cr. Misc. No. 38367 of 2021. The petitioners are rotting in judicial custody since 10.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Additional District & Sessions Judge- II- cum- Special Judge, Excise, Aurangabad in connection with Barun P.S. Case No. 92 of 2021/ G.R. No. 524 of 2021 with the following conditions:-

(1) Petitioner 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 canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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