

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46094 of 2021

Arising Out of PS. Case No.-95 Year-2021 Thana- MAHESHKHUNT District- Khagaria

1. RANJIT KUMAR Son of Pramod Chaudhary Resident of Village - Jhiktiya, Ward No. 02, P.S. - Maheshkhunt, District - Khagaria.
2. Sujit Kumar Son of Pramod Chaudhary Resident of Village - Jhiktiya, Ward No. 02, P.S. - Maheshkhunt, District - Khagaria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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 Maheshkhunt P.S. Case No. 95 of 2021, G.R. No. 2013/2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 30 litres of illicit country made liquor from the *Bhusa Ghar* of co-accused Pramod Choudhary.

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 only on the basis of suspicion. No incriminating article has been recovered from conscious possession of the petitioners. Learned counsel further submits that as per FIR, the alleged recovery has been made from the *Bhusa Ghar* of co-accused Pramod Choudhary. It is further submitted that petitioners are Diploma Engineer and they have no concern with the seized liquor. Petitioner no. 1 is in custody since 26.06.2021 and petitioner no. 2 is in custody since 27.06.2021.

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 Special Judge (Excise), Khagaria in connection with Maheshkhunt P.S. Case No. 95 of 2021, G.R. No. 2013/2021, 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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