

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50363 of 2021

Arising Out of PS. Case No.-267 Year-2021 Thana- BIHPUR District- Bhagalpur

1. Pawan Kumar Jha S/o Shyamanand Jha Resident of Khara, P.S.-
Udakishunganj, District- Madhepura.
2. Jitendra Kumar Poddar S/o Lalan Poddar Resident of Bihar, P.S.- Bihpur,
District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.
For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in connection with Bihpur P.S. Case No. 267/2021 registered for the offences punishable under Section 30(a), 32 of the Bihar prohibition & Excise Amendment Act 2018.

Recovery is of 269.10 litres of foreign liquor.

Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been



implicated in the present case. He has further submitted that it appears from the FIR itself, that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the school compound which belongs to the Government of Bihar. The petitioners are 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 Additional District & Sessions Judge-II, cum-special Judge, (Excise) Act, Bhagalpur in connection with Bihpur P.S. Case No. 267/2021, 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.

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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