

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49100 of 2021

Arising Out of PS. Case No.-222 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. MRITUNJAY KUMAR CHAUBEY Son of Pramod Chaubey Resident of Village - Barwachap, P.S.- Chanpatiya, Distt.- west Champaran, State - Bihar.
 2. Shyamdeo Goshwami Son of Rajkumar Goshwami Resident of Village - Thariyakala, P.S.- Haiderganj, Distt.- Ayodhya (Phaijabad), Uttar Pradesh.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-12-2021 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 seek bail in connection with Excise Case No. 222 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 316.08 liters of foreign 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. In fact, nothing has



been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the dickey of Hyundai car. Neither the petitioners happen to be driver of the alleged vehicle nor they are the owner of the vehicle in question. The petitioners have no concern with the alleged recovery. The petitioners are rotting in judicial custody since 28.07.2021.

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

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 A.D.J.-II, Gopalganj in connection with Excise Case No. 222 of 2021 with 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 canceled 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 his 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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