

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50232 of 2021

Arising Out of PS. Case No.-363 Year-2021 Thana- SONEPUR District- Saran

1. Upendra Rai Son of Vijay Rai Resident of Village - Hasilpur, Naya Gaon, P.S.- Naya Gaon, Distt.- Saran at Chapra.
2. Sandish Kumar Son of Late Dina Rai Resident of Village - Naya Gaon Bazar, P.S.- Naya Gaon, Distt.- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr. Renuka Ratnakar, 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 Sonpur P.S. Case No. 363/2021 registered for the offences punishable under Section 30(a), 38, 40(i) of the Bihar prohibition & Excise Act.

The prosecution story in brief is that during course of raid by the police party, the police has recovered 1225.08 Litres illegal liquor recovered from possession of the petitioners.

Learned counsel for the petitioners submit that



petitioners have clean antecedent and he has falsely been implicated in the present case. He has further submitted that it appears from the FIR itself, nothing has been recovered from conscious possession of the petitioners. Petitioners have not named in the FIR, recovery was made from one pick van and one tampo. That the petitioners are in custody since 02.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, 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 2nd Additional Sessions Judge-cum Special Judge, Excise, Saran at Chapra in connection with Sonapur P.S. Case No. 363/2021, 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.



2. If the petitioners, 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 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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