

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7994 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- KATORIYA District- Banka

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1. Laxman Choudhary Son of Late Govind Choudhary R/o village- Bhorsar, P.S.- Katoriya, District- Banka
 2. Bhagwat Yadav S/o Shri Hari Yadav R/o village- Hirna (Baratari), P.S.- Katoriya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 16-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioners seek bail in Katoriya P.S. Case No. 223 of 2020, registered for the offence under Section 56(D) of Bihar Prohibition and Excise Act and under the provision of Mahua Flower Rule.

As per the prosecution case, these two petitioners were arrested with a Bolero vehicle and upon search, 8 quintal (800 Kg.) of mahua flowers was recovered from the vehicle in question.

It is submitted on behalf of petitioners that nothing has been recovered from the possession of the petitioners.



Petitioners have got clean antecedent and they are in custody since 20.10.2020.

Considering the fact that nothing has been recovered from the possession of petitioners and petitioners have got clean antecedent, the bail application of petitioners is allowed. 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 Sessions Judge-II, Banka in connection with Special Case No. 630 of 2020 (arising out of Katoriya P.S. Case No. 223 of 2020), on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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