

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8902 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. BRIJNANDAN KUMAR @ KANAHAIYA KUMAR Son of Dayanand Yadav Resident of Village - Rajajan, P.s.- Mansi, Distt.- Khagaria.
 2. Pankaj Kumar @ Pankaj Kumar Swarnkar Son of Late Ratan Swarnkar Resident of Village - Durgapur, Town, P.S.- Katihar, Distt.- Katihar.
 3. Ranjit Yadav Son of Late Chandrika Prasad Yadav Resident of Village - Jagarnathpur (Baramasiya), P.s.- Sahayak, P.s.- Katihar, Distt.- Katihar.
 4. Lalan Kumar Son of Bechu Tanti Resident of Village - Rajajan , P.s.- Mansi, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Adv.
For the Opposite Party/s : Mr.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise Act.

Recovery is of 100.965 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
only on the basis of suspicion. He further submits that



nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from tempo in question and the petitioners have no concern with the alleged recovery as they happen to be passengers of the alleged tempo. The petitioners are rotting in judicial custody since 23.12.2021.

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 Court below where the case is pending in connection with Prohibition Case No. 180 of 2021/ Excise complaint case No. 146 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 his/her/their absence on two consecutive dates without sufficient reason, his/her/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 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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