

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9024 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- KASBA District- Purnia

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1. MANTU MAJUMDAR S/O RAJAN MAJUMDAR
 2. SANJEEV ROY S/O DIPAK ROY
Both R/o Mohalla- Suryasen Colony @ Suryasan Colony, P.S.- N.J.P.,
District- Darjeeling (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 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 learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 272,273,34 of the Indian Penal Code and Sections 30(a),38(i),41(i) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 900 liters of illicit foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely



been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the Pick-Up Van in question and there is non-compliance of Section 100 Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 18.11.2021.

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 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 learned Court below where the case is pending in connection with Kasba Police Station Case No.275 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 bonds 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.

(3) One of the bailors must be the wife of petitioner No.1 and one of bailors must be the father of the petitioner No.2.

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 antecedents, 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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