

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9663 of 2022

Arising Out of PS. Case No.-452 Year-2021 Thana- BARUN District- Aurangabad

1. DHARAMVIR SINGH S/O RAM CHANDRA SINGH R/o village- Tikawar Piparpur, P.S.- Piparpur, Distt.- Amethi, State- Utter Pradesh
2. Abdul Kadir S/o Riyashad Ali R/o village- Tikawar Piparpur, P.S.- Piparpur, Distt.- Amethi, State- Utter Pradesh

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Gulnar Begum, 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 petitioners seek bail in a case registered for the offence under Sections 467, 468, 471 and 420 of the Indian Penal Code and Section 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act.

Recovery is of 2681.65 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 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 truck in question and the petitioner Nos.1 and 2 are said to the driver and Khalasi of the truck but they have no concern with the alleged recovery. He further submits that the procedures of Section 100 Cr.P.C. have not been followed in this case. The petitioners are rotting in judicial custody since 22.12.2021.

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 Barun P.S. Case No. 452 of 2021/ GR. No. 1863 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.

(3) One of the bailors shall be the father of the petitioners.

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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