

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10944 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- DORIGANJ District- Saran

1. Shrawan Mahto Son Of Late Tun Tun Mahto R/o village-Dayalchak,
P.S.Doriganj, District-Saran
2. Deepak Kumar @ Dipak Kumar Son Of Shri Jokhan Sah R/O- Kutubpur,
P.S.- Doriganj, District- Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Adv
For the Opposite Party/s : Mr.Shailendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 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 30(a) and 38 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Recovery is of 91.02 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the



petitioners rather the recovery has been made from the *Palani* of petitioner No.1. He further submits that there is non-compliance of Section 100(4) of Cr.P.C. in the present case and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 24.01.2022.

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 Doriganj Police Station Case No.37 of 2022, 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.



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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