

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11279 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

1. UPENDRA CHAUDHARY Son of Late Ramashish Chaudhary
2. Sonu Kumar Son of Upendra Chaudhary
Both Resident of Village - Man Bishunpur, P.S. - Bochahan, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar, Adv

For the Opposite Party/s : Ms.Pushpa Sinha 1, 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 Section 30(a) of Bihar Prohibition and Excise Act.

Recovery is of 189.49 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that petitioner No.2 has clean antecedent. Petitioner No.1 carries one more case other than the present one. He further submits



that nothing has been recovered from conscious possession of the petitioners and the petitioners have falsely been implicated in the present case only on the basis of suspicion. It appears from the FIR that the recovery has been made from the Bathan of co-accused, namely, Kanhaiya Kumar and the police, after investigation, submitted chargesheet against the petitioners and the petitioners is in custody since 25.11.2021.

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 Bochahan Police Station Case No.322 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.

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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