

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10796 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

1. VEERCHAND KUMAR @ VEER CHANDRA KUMAR S/o - Raj Mangal Prasad,
2. Umesh Kumar S/o- Mahendra Prasad,
Both are Resident of Village - Saghari, Police Station- Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek bail in connection with Siwaipatti P.S. Case No. 149/2021 registered for the offences punishable under Sections 272, 273, 120 (B)/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, there is alleged recovery of total 35 liters of spirit from motorcycle and 105 liters of spirit from Wagon-R car. The petitioners were apprehended on the



spot from the motorcycle in question. From Rakesh Kumar who was in car, cash of Rs.15,000/- and mobile phone has been recovered while from Lal Babu Prasad who was also in car cash of Rs.1,55,500/- and mobile phone has been recovered. From the third persons on the car Dhiraj Kumar cash of Rs.56,800/- has been recovered.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The spirit and Wagon-R car do not belong to the petitioners. The petitioners are languishing in custody since 25.11.2021. The petitioners bear no criminal antecedent. Charge sheet has already been submitted in this case and there is no likelihood of tampering the prosecution evidence. Co-accused, Lal Babu Prasad, has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.12820/2022.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Muzaffarpur in connection with Siwaipatti P.S. Case No. 149/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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