

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14592 of 2022

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

1. Kanhaiya Kumar @ Kanhai Son Of Late Shyam Nandan Chaudhary Resident Of Village- Deogan, P.S.- Bochaha, District- Muzaffarpur
2. Kishore Kumar S/O Late Shyam Nandan Chaudhary Resident Of Village- Deogan, P.S.- Bochaha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vashnavi, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Bochahan P.S.Case No. 322 of 2021 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that on a raid being made, 189.99 liters of foreign made liquor has been recovered from Bathan of the petitioners.

It is submitted by the learned counsel for the petitioners that the so called Bathan is situated in open place



where the cattle etc has been tying and the said Bathan was also in the share of members of joint family and moreover, there is no compliance of Section 100 of the CR.P.C and section 74, 82 and 91 of the Bihar Prohibition & Excise Act. It is next submitted the name of the petitioners have been implicated only because of the past criminal history of petitioner no. 1, who has been found involved in another case of similar nature and petitioners are in custody since 25.11.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that huge quantity of liquor has been recovered from the house of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made from the bathan, which is in the possession of joint family and accessible to all, and the same is joint possession property of all the family members and petitioners are in custody since 25.11.2021, apart from the fact that investigation has already been completed and charge sheet has been submitted and keeping the petitioners



behind the bar for a further period no purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Muzaffarpur in connection with Bochahan P.S. Case No. 322 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J.)

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