

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16718 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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1. MUKESH SINGH Son of Upendra Singh Resident of Village - Manjurahi,
P.s.- Muffasil, Distt.- Aurangabad.
 2. Jitendra Singh Son of Karmdeo Singh Resident of Village - Manjurahi, P.s.-
Muffasil, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Aurangabad
(Town) P.S. Case No. 52 of 2022 registered for the offence
under Section 30(a) of the Bihar Excise Prohibition and
Amendment Act, 2018.

Recovery is of 411.03 liters of country made liquor.

Learned counsel appearing for the petitioners submit
that the petitioners are innocent and have not committed any
offence. He further submits that nothing have been recovered
from the conscious possession of the petitioners rather the
alleged recovery have been made from tractor and one motor-



cycle. The petitioners have no concern at all with the alleged recovery and the vehicles in question. The petitioners are rotting in judicial custody since 04.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No. 2 is having one criminal antecedent other than the present one whereas petitioner No. 1 is of clean antecedent, which is evident from paragraph 3 of the petition.

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 Aurangabad (Town) P.S. Case No. 52 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 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.



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 petitioner. 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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