

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18457 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- BARAULI District- Gopalganj

1. UTTAM KUMAR Son of Dharmveer Sharma @ Dharam Vir
2. Lalit Kashyap Son of Dayanand Kashyap
Both Resident of Village - Madina, P.S. - Mahem, District - Rohtak
(Hariyana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-07-2022 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 in the virtual Court proceeding.

The petitioners seek bail in a case registered for the offence under Sections 420,467,468 of IPC and Section 30(a), 36,41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 1139.25 liters of Indian made foreign liquor.

Learned counsel appearing for the petitioners submits



that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that altogether 1139.25 liters of the Indian made foreign liquor has been recovered from the Truck in question. He further submits that the petitioner No.1 is driver and petitioner No.2 is co-driver of the Truck in question and they have no concern at all with the alleged recovery and the petitioners are rotting in judicial custody since 22.01.2022.

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 Barauli P. S. Case No.27 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 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.

(3) One of the bailors must be the father of the petitioners.

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 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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