

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18392 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- KANTI District- Muzaffarpur

1. Ajay Kumar S/o Shivji Das, R/o Village- Bangri, P.S.- Kanti (Panapur O.P.), District- Muzaffarpur
2. Vijay Kumar Das S/o Shivji Das, R/o Village- Bangri, P.S.- Kanti (Panapur O.P.), District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise Act.

Recovery is of total 5 liters of country made liquor.

Learned counsel for the petitioners submits that
petitioners are innocent and they have falsely been implicated in
the present case. He further submits that it appears from the
F.I.R. as well as seizure list that nothing has been recovered



from the conscious possession of the petitioners, rather the recovery has been made from the poultry farm which is situated behind the house of the petitioners and petitioners have no concern with the alleged recovery. The petitioners are in custody since 07.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Kanti (Panapur O.P.) P.S. Case No. 77 of 2022, subject to 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. 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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