

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21268 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. RIKKI KUMAR son of Late Garib Nath Mahto Resident of Village -
Sikanderpur, Near Dr. Mahashankar Singh Clinic, P.S. - Town, District-
Muzaffarpur.
 2. Jitendra Mahto Son of Late Garib Nath Mahto Resident of Village -
Sikanderpur, Near Dr. Mahashankar Singh Clinic, P.S. - Town, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in a case registered for
the offence under Sections 30(a), 30(c) and 34 of the Bihar
Prohibition and Excise Act.

Recovery is of 52.23 liters of foreign liquor.

Learned counsel appearing for the petitioners
submits that the petitioners, who are of clean antecedent,
are innocent and have falsely been implicated in this case
only on the basis of suspicion. He further submits that
nothing has been recovered from the conscious possession



of the petitioners rather the alleged recovery has been made near the tea stall of petitioner No.2 but the petitioners have no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 11.02.2022.

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, 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 Town P.S. Case No. 128 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 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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