

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29038 of 2021

Arising Out of PS. Case No.-111 Year-2020 Thana- GANGABRIDGE District- Vaishali

1. Upendra Rai Son of Jagdish Rai Resident of Village - Diwantok, P.S.- Ganga Bridge, District - Vaishali
2. Tuntun Rai Son of Kailash Rai Resident of Village - Diwantok, P.S.- Ganga Bridge, District - Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-06-2022 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.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 80 litres of country made liquor from a Tempo, 3 litres foreign liquor and 400 litres of illegal country made liquor from the embankment of pond.

Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they has been falsely implicated in the present case on the basis of suspicion. He further submits that it appears from the F.I.R. as well as seizure list nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from one Tempo in question and the embankment of pond. He further submits that it appears from the F.I.R. itself Md. Sonu was the owner and driver of the Tempo.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Ganga Bridge P.S. Case No. 111 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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