

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33222 of 2021

Arising Out of PS. Case No.-175 Year-2021 Thana- KANTI District- Muzaffarpur

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1. SOM NATH RAO Son of Kotesb Rao Resident of Village - Purbakote, Police Station - Korai, District - Jajapur, State of Odisha
 2. Mugu Rao Son of Ganesh Rao Resident of Village - Purbakote, Police Station - Korai, District - Jajapur, State of Odisha

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. The Union of India New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Kanti P.S. Case No. 175/ 2021 registered for the offences punishable under Sections 411 of the IPC, 20/22 of NDPS Act and 30(a) of



Bihar Prohibition and Excise Act, 2016.

As per prosecution case, two bottles of 180 ML illicit foreign liquor, 150 gram of charas and a motorcycle without any registration number were recovered from possession of the petitioners.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. He further submits that as per the FIR and seizure list, two bottles of 180 ML illicit foreign liquor, 150 gram of charas and a motorcycle without any registration number were recovered from possession of the petitioners. He further submits that quantity of recovered charas is just above the small quantity. He further submits that small quantity has been defined as 100 gram and commercial quantity has been defined as 1 kg. He further submits that alleged recovery is less than the commercial quantity and hence, there is no bar for this court to grant bail to the petitioner, who is in custody since 07.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer of bail.

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 Special Judge (Excise), Muzaffarpur in connection with Kanti P.S. Case No. 175/ 2021, subject to the following conditions:-

1. Both the bailors shall be the resident of territorial jurisdiction of the court below.

2. 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.

3. 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.

4. 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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