

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27838 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- LAKHNAUR District- Madhubani

1. SANJEEV KUMAR YADAV S/o Late Lal Yadav R/o village- Behat (North), P.S.- Lakhnour (R.S.O.P.), District- Madhubani
2. Subodh Chaudhri @ Subodh Kumar Choudhary S/o Kusheshwar Chaudhari R/o village- Behat (North), P.S.- Lakhnour (R.S.O.P.), District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar Singh, Advocate.

For the Opposite Party/s : Ms. Renu Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Gaurav Kumar Singh, learned counsel for the petitioners as well as Ms. Renu Kumari, learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Lakhnour (R.S.O.P.) P. S. Case No. 49 of 2022 registered for the offences punishable under Sections 272 and 273 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.



As per the prosecution case, it is alleged that the Police, on a secret information, apprehended the petitioners while riding on a motorcycle and on search, total 63 litres Nepali Soufi wine was recovered.

Learned counsel appearing on behalf of the petitioners submitted that in fact, nothing has been recovered from the person or possession of these petitioners, however, only on account of some altercation, which took place between the petitioner no. 1 and police personnel, their names have been implicated in this case. It is next submitted that the said motorcycle is not a stolen property and moreover, no case under Sections 272 and 273 of the Indian Penal Code is made out. It is further alleged that the petitioners are in custody since 25.03.2012 and after conclusion of investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested from the spot.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners are in custody since 25.03.2022 and after conclusion of investigation, the charge sheet has already been submitted and



there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur in connection with Lakhnour (R.S.O.P.) P. S. Case No. 49 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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