

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36724 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

1. Lalan Kumar S/O Dashrath Mahto Resident Of Village Manikchowk Uttari Ward No.10, P.S-Runnisaidpur, District-Sitamarhi.
2. Satrudhan Gupta S/O Bindeshwar Sah R/O Village-Manik Chowk Uttari Ward No.09, P.S-Runnisaidpur, District-Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Anita Kumari

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 Runnisaidpur P.S. Case No. 117 of 2021 registered for the offences punishable under Sections 414, 420/34 of the Indian Penal Code and Section 30(a), 38(i)(ii),41 of Bihar Prohibition and Excise Act.

According to prosecution case, the officer-in-charge of Runnisaidpur P.S. got secret information on 17.2.2021 that a



Honda City car was coming from the side of Muzaffarpur loaded with illicit foreign liquor. The informant along with some police personnel reached the location and stopped the car and apprehended the the petitioners and seized 102.390 liters of foreign liquor.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of suspicion. He further submits that it appears from the FIR as well as the seizure list that nothing has been recovered from the conscious possession of the petitioners and recovery has been made from one Honda City car. He further submits that the petitioners have no concern with the alleged seized vehicle in question or the liquor. He further submits that the police after investigation submitted charge-sheet against the petitioners. The petitioners are in custody since 18.2.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 A.D.J.-II cum Special Judge, Excise Act, Sitamarhi, in connection with Runnisaidpur P.S. Case No. 117 of 2021, 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 his absence on two consecutive dates without sufficient reason, his 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 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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