

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28295 of 2022

Arising Out of PS. Case No.-477 Year-2021 Thana- NAUBATPUR District- Patna

1. Lal Bahadur Sharma @ Lal Bhadur Sharma Son of Late Faujdar Sharma @ Late Faujdar Singh Resident of Village - Pali, P.s.- Naubatpur, Distt.- Patna.
2. Rajni Sharma @ Sharwan Son of Lal Bahadur Sharma @ Lal Bhadur Sharma Resident of Village - Pali, P.s.- Naubatpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2022 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

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

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Section 30(a)
of Bihar Prohibition and the Excise Act, 2018.

Recovery is of 45.750 liters of foreign made illicit
liquor.

Learned counsel for the petitioners submits that
the petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioners. He further submits that the recovery has been made from the Brick Kiln of the petitioners. He further submits that the petitioner no. 2 is the son of the petitioner no. 1 and they have no concern at all with the alleged recovery.

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

Considering the aforesaid facts and circumstances, 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Naubatpur P.S. Case No. 477 of 2021, 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 his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers 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 his 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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