

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27993 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- SIRDALA District- Nawada

1. Shiv Sagar Rajwanshi @ Shiv Shankar Rajvanshi, Son of Late Bundi Rajwanshi Resident of Village - Chapri, P.S.- Sirdalla, District - Nawada
2. Dharmendra Choudhary Son of Karu Choudhary Resident of Village - Chapri, P.S.- Sirdalla, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 No one appears on behalf of the petitioners. Learned APP for the State is present through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection with Sirdalla P.S. Case No.48/2022 instituted under Section 30(a), 41 of the Excise Act.

As per the FIR, in course of patrolling intercepted two persons carrying bag and upon search, 90 liters of illicit liquor was recovered/seized wherefrom petitioner no.1, 40 liters recovery has been shown, so far as petitioner no.2 is concerned, allegation is of recovery of 50 liters.



As per the averments made in the bail application, petitioners are agricultural labourer and were just crossing the said place and found themselves at a wrong place on a wrong time and got implicated in this case and are in jail since 15.02.2022 (as stated in para-7 of the bail application).

Considering the aforesaid fact that of the incarceration that they are in custody since 15.02.2022 and the charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sirdalla P.S. Case No.48/2022 to the satisfaction of learned Exclusive Special Excise Court, Ist, Nawada, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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