

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38726 of 2021

Arising Out of PS. Case No.-58 Year-2021 Thana- CHANDAN District- Banka

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1. BINAY KR SINGH S/o Ramanand Singh Residence of Village- Chakdhobai, P.S.- Tarapur, District- Munger.
 2. Gopal Rajwar S/o Late Kati Rajwar Residence of Village- Sector - 09, Jamuniya Taad, P.S. - Harla Sector-09, District- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 04-01-2022 The matter has been taken up through virtual Court proceedings.

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 08.04.2021, seek regular bail in connection with Special Excise No. 285 of 2021 arising out of Chandan P.S. Case No. 58 of 2021 dated 07.04.2021 registered for offences punishable under Sections 30(a)(2)/32(2) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in brief, is that 300 litres of India made liquor was recovered from the vehicle.



Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in this case and they have got clean antecedent. Learned counsel for the petitioners further submits that there are altogether four accused persons including the petitioners and there is no specific allegation against the petitioners. Learned counsel for the petitioners further submits that petitioners are in custody since 08.04.2021.

Learned A.P.P., however, opposes the prayer for bail.

Considering the facts and circumstances of the case, let the petitioners above named, be released on bail on furnishing bail bond of Rs.2,00,000/- (Rupees Two Lacs) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka in connection with Special Excise No. 285 of 2021 arising out of Chandan P.S. Case No. 58 of 2021, subject to the following conditions:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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