

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30049 of 2022

Arising Out of PS. Case No.-396 Year-2021 Thana- RAMNAGAR District- West Champaran

1. Imran Khan @ Chand S/o Md. Ghulam Khan Resident of Village - New Islampur, Panderpalla P.S.- Bhuli, District- Dhanbad (Jharkhand).
2. Nitish Kumar Barnwal S/o Lallan Kumar Barnwal Resident of House No. - 85, Ram Ground Jhariya, P.S. - Jhariya, District - Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 30(a), 33 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 4200 liters of spirit from a truck.

Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have falsely been
implicated in the present case only on the basis of suspicion. He
further submits that nothing has been recovered from the



conscious possession of the petitioners, rather the recovery has been made from the truck in question and petitioners are neither the owner nor the driver of the said vehicle and they have no concern at all with the alleged recovery or the vehicle in question. The petitioners are in custody since 20.11.2021.

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, 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 Ramnagar P.S. Case No. 396 of 2021, subject to the following conditions:-

1. One of the bailor should be father/brother of the petitioner and another should be local people.

2. 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



3. 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.

4. 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 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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