

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50792 of 2021

Arising Out of PS. Case No.-233 Year-2021 Thana- SIRDALA District- Nawada

1. Chando Rajbanshi S/O Late Jagan Rajbanshi
2. Mantosh Kumar Son of Chando Rajbanshi.
Both R/O Village-Laund Durgapur, P.S-Sirdala, District-Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Sirdala P.S.Case No. 233 of 2021 registered for the offence under Sections 30(a)/30(d)/41 Bihar Prohibition and Excise Act.

According to the FIR illicit liquor Bhatti was being run near Ahar. When police raided, three persons (petitioners and one co-accused) started to flee but co-accused was arrested and petitioners escaped.

Learned counsel appearing for the petitioners submits



that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR itself that nothing has been recovered from the conscious possession of the petitioners. Name of the petitioners surfaced on the basis of confessional statement of co-accused-Sunil Rajbanshi. He further submits that co-accused, namely, Sunil Rajbanshi has been granted privilege of bail on 20.12.2021 in Cr. Misc. No.50158 of 2021 by this Court. He further submits that after investigation, police has submitted the chargesheet against the petitioners. Petitioners are in custody since 13.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, 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 learned Additional Sessions Judge -II-cum-Special Judge, Nawada in connection with Sirdala P.S.Case No. 233 of 2021 with 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 their absence on two consecutive dates without sufficient reason, their bail bonds 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.

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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