

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50762 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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1. ANIKET KUMAR S/O MANOJ RAI R/o village- Pahleja Sahpur, P.S.-
Sonepur, District- Chapra (Saran)
 2. Bhola Kumar S/o Chutkun Paswan R/o village- Panapurlanga, P.S.- Hajipur
Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-01-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioners seek bail in connection with Dumariyaghat
P.S. Case No. 133 of 2021 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

According to F.I.R., during the course of checking,
seeing the police two persons on the pick up van started fleeing
away, but on chase they were apprehended by the police and
they disclosed their name as the petitioners and on search about



502 litres of liquor was recovered from the pick up van.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel further submits that it appears from the F.I.R. itself that nothing has been recovered from conscious possession of the petitioners. He further submits that recovery has been made from one pick up van. The petitioners are driver and khilasi of the said pick up van. Petitioners are in custody since 15.07.2021.

The learned Additional Public Prosecutor for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Special Judge, Excise Act, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 133 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 bond shall be canceled 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.

(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 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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