

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51278 of 2021

Arising Out of PS. Case No.-126 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

1. SOURABH KUMAR CHOUDHARY Son of Sahdev Choudhary Resident of Village - Sakrullachak, P.S.- Babbarganj, District - Bhagalpur.
2. Sahdev Choudhary Son of Late Raghu Choudhary Resident of Village - Sakrullachak, P.S.- Babbarganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, 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 Mojahidpur (Babbarganj) P.S. Case No. 126 of 2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 53.085 liters of foreign liquor of different brands and 3 liters of beer.

Learned counsel appearing for the petitioners



submits that the petitioners are innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners. Although the alleged recovery is said to have been made from the joint possession of the petitioners, but the petitioners have sufficiently been punished for the alleged recovery as they are rotting in judicial custody since 18.05.2021 i.e. more than seven months.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Additional District & Sessions Judge- II -cum- Special Judge (Excise Act) -cum- Special Judge Vigilance (Trap) Act in connection with Mojahidpur (Babbarganj) P.S. Case No. 126 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.

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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