

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52799 of 2021**

Arising Out of PS. Case No.-171 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

1. Budhram Baske Son Of Lakhi Baske R/O Village- Bhadodih, P.S- Badam, Dist.- Singhbhum
2. Kamo Baske Son Of Bariyal Baske R/O Village- Jhariya, P.S.- Bahragoda, Dist.- Purvi Singhbhum

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-01-2022 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 in virtual Court proceeding.

The petitioners seek bail in connection with Siwan (Muffasil) P.S.Case No. 171 of 2021 registered for the offence under Sections 272,273 of the Indian Penal Code and Section 30(a), 41(i) of Bihar Prohibition and Excise Act, 2016.

Recovery of 4320 liters of foreign liquor.

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 that nothing has been recovered from the conscious possession of



the petitioners. The alleged recovery has been made from the DCM Truck and petitioner No.1 is the driver and petitioner No.2 is cleaner of the said Truck in question. He further submits that the owner of the said Truck is one Krishan Kumar Singh. After investigation, police has submitted chargesheet against the petitioners. He further submits that co-accused, namely, Pankaj Kumar Rai has been granted bail by this Court on 03.12.2021 in Cr. Misc. No.38845 of 2021. Petitioners are in custody since 04.04.2021.

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 District and Sessions Judge-2nd-cum-Special Judge, Siwan in connection with Siwan (Muffasil) Police Station Case No.171 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.

(3) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners. The bailor shall be resident of jurisdiction of the court below.

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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