

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52701 of 2021**

Arising Out of PS. Case No.-188 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

-
1. NIRAJ KUMAR SON OF MANOJ PRASAD RESIDENT OF VILLAGE-KORAR, P.S- M.H.NAGAR, DIST- SIWAN
 2. PANCHDEO PRASAD SON OF LATE DHURANDHAR PRASAD RESIDENT OF VILLAGE- KORAR, P.S- M.H.NAGAR, DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Renuka Ratnakar, APP

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

2 06-01-2022 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 through video conferencing.

The petitioners seek bail in connection with C-III No.188 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 1537.920 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In



fact, nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from a thatched room situated beside the poultry farm. Neither the petitioners are related to the room nor the poultry farm and merely on the basis of suspicion, they have been apprehended in this case. The petitioners are rotting in judicial custody since 06.06.2021.

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

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 Session Judge- II -cum- Special Judge, Excise, Siwan in connection with C-III No. 188 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)

braj/-

U		T	
---	--	---	--

