

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42164 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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1. NAVIN KUMAR Son of Umesh Sahni
 2. VIJAY KUMAR @ VIJAY SAHNI Son of Rampunit Sahni.
 3. AMARJEET KUMAR @ AMARJEET CHOUDHARY Son of Dhaneshwar Sahni @ Dhaneshwar Chaudhary.
 4. SANJEET KUMAR Son of Sravan Sahni.
- All are Resident of Village - Madhopur Bhual, Police Station- Kalyanpur,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Singh, Advocate
	:	Mr.Pravind Kumar, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 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 learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(a),(c), (d),(e) and 32 of Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 37.05 liters of foreign liquor.



Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case on the basis of suspicion. Further submits that it appears from the FIR as well as seizure list that nothing has been recovered from possession of the petitioners and the recovery has been made from the Corn field of co-accused, namely, Rakesh Kumar. Further submits that the petitioners have no concern at all with the alleged recovery and the name of the petitioners has been transpired on the basis of the disclosure made by the villagers.

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

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Excise P.S. Case No.127 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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