

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53057 of 2021

Arising Out of PS. Case No.-227 Year-2021 Thana- BAISI District- Purnia

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1. RAJ KUMAR PASWAN S/O LATE JYOTISH PASWAN R/o village- Nagrah, P.S.- Navgachiya, District- Bhagalpur
 2. N. K. Kumar @ Suraj Kumar S/o Ajay Kumar R/o village- Nagrah, P.S.- Navgachiya, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-01-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

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 Special Excise Case No. 243 of 2021 arising out of Baisi P.S. Case No. 227 of 2021 registered for the offences punishable under Sections 272, 273, 414 of the IPC and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise Act.

There is recovery of 96 litres of illicit foreign liquor



from the dikky of a car.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. No incriminating article has been recovered from conscious possession of the petitioners. It appears from the FIR itself that recovery has been made from one car. Learned counsel further submits that the car, from which liquor has been recovered, does not belong to the petitioners. Petitioners are in custody since 07.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Special Judge, Excise, Purnea in connection with Special Excise Case No. 243 of 2021 arising out of Baisi P.S. Case No. 227 of 2021, subject to 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 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. 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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