

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53058 of 2021

Arising Out of PS. Case No.-161 Year-2021 Thana- BAGHA District- West Champaran

1. MANISH YADAV SON OF RAJEDNDRA YADAV R/O VILLAGE-PRATAPPUR, P.S.- SEMARA, DISTRICT- WEST CHAMPARAN
2. PINTU IHAKUR SON OF DINA NATH THAKUR R/O VILLAGE-PRATAPPUR, P.S.- SEMARA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra

For the Opposite Party/s : Ms.Asha Devi

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 Bagaha P.S. Case No. 161 of 2021 registered for the offences punishable under Section 30(a) of the Excise Act, 2018.

There is recovery of 115 litres of illicit liquor from one Bolero Jeep.

Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence and they have falsely been implicated in the present case. Name of petitioners has come on the basis of confessional statement of co-accused Saheb Yadav. It appears from the FIR itself that nothing has been recovered from conscious possession of the petitioners and the recovery has been made from one Bolero Jeep. Petitioner no. 1 is in custody since 28.06.2021 whereas petitioner no. 2 is in custody since 07.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioners carry one criminal antecedent.

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, Bettiah, West Champaran in connection with Bagaha P.S. Case No. 161 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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