

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53055 of 2021

Arising Out of PS. Case No.-234 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. GYANENDRA KUMAR SON OF MAHENDRA SINGH RESIDENT OF VILLAGE JAUNATI 207, MAIN STREET NORTH EAST, P.S. KAUJHWALA, DISTRICT SONIPAT (HARYANA)
 2. SANDEEP SON OF RAM KUMAR RESIDENT OF VILLAGE- HARYANA, P.S. SADAR GOHANA, DISTRICT- SONIPAT (HARYANA)
- Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Ms.Pushpa Sinha.1

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 Hajipur Sadar P.S. Case No. 234 of 2021 registered for the offences punishable under Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise Act.

There is total recovery of 4313.880 litres of illicit foreign liquor from a truck.

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. It appears from the FIR itself that the present case has been instituted against the owner and driver of truck bearing Registration No. UP-72T-1637 and against unknown. No incriminating article has been recovered from conscious possession of the petitioners. The recovery has been made from the truck in question. Petitioners are in custody since 21.06.2021.

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 Additional Sessions Judge II cum Excise Court, Vaishali, Hajipur in connection with Hajipur Sadar P.S. Case No. 234 of 2021, subject to the following conditions:-

1. Both the bailors shall be the resident of territorial jurisdiction of learned court below.
2. 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.

3. 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.

4. 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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