

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59080 of 2021**

Arising Out of PS. Case No.-98 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

1. VINOD KUMAR @ NIRAHUA S/o Ramanand Prasad @ Ram Nandan Prasad R/o village- Sodhana Madhopur, P.S.- Siwaipatti, District- Muzaffarpur
2. RAMANAND PRASAD @ RAM NANDAN PRASAD S/o Late Jagdev Prasad R/o village- Sodhana Madhopur, P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.  
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

2      07-02-2022                      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 Siwaipatti P.S. Case No. 98 of 2021 registered for the offence under Sections 272, 273, 420, 353, 506 and 34 of the Indian Penal Code and Section 30, 30(a), 30(c), 30(d), 36, 38, 41 and 41(i) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 90 liters of raw spirit and 9.375



liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners 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 the courtyard of the petitioners. He further submits that the petitioners have no concern with the alleged recovery. The petitioners are rotting in judicial custody since 21.08.2021.

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 Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. Case No. 98 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)**

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