

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60735 of 2021

Arising Out of PS. Case No.-461 Year-2021 Thana- BIHTA District- Patna

-
1. PRAVEEN KUMAR YADAV Son of Sanjay Yadav Resident of Village - Daulatpur, P.O.- Bihta, P.S.- Bihta, Distt.- Patna.
 2. Manish Kumar Son of Dharamraj Prasad Resident of Village - Daulatpur, P.O.- Bihta, P.S.- Bihta, Distt.- Patna, Pincode- 844101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurabh Bishwambhar, Adv

For the Opposite Party/s : Ms.Pushpa Sinha No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-02-2022 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 in virtual Court proceeding.

The petitioners seek bail in Bihta P.S. Case No. 461 of 2021 corresponding to Special Case No.4111 of 2021, registered for the offence punishable punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 128.160 litres of illegal liquor.

Learned counsel appearing for the petitioners submits that petitioner No.2 has clean antecedent. He further submits



that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR and the seizure list that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the motorcycle in question. He further submits that co-accused, namely, Baliram Kumar has been granted bail vide order dated 24.11.2021 in Cr. Misc. No.49154 of 2021 by a Coordinate Bench of this Hon'ble Court and co-accused, namely, Rahul Prasad has been granted bail vide order dated 22.12.2021 in Cr. Misc. No. 50228 of 2021 by this Court and the petitioners are in custody since 06.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner No.1 carries two more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned Special Judge, Excise Act, Patna in connection with Bihta P.S. Case No. 461 of 2021 corresponding to Special Case No.4111 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 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)

Nitesh/-

U		T	
---	--	---	--

