

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61916 of 2021

Arising Out of PS. Case No.-259 Year-2021 Thana- NAUGACHIA District- Bhagalpur

1. Roushan Kumar Son Of Naresh Sharma R/O Village- Ghosai, P.S.- Chausa, District- Madhepura
2. Aman Kumar Son Of Anil Sah R/O Village- Louwa Lagan, P.S.- Chausa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2022 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.

The petitioners seek bail in connection with Naughachia P.S.Case No. 259 of 2021 registered for the offence under Sections 30(A) and 32(II) of Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of total 113.670 liters of foreign liquor and 48.5 liters of beer from the dickey of the Car.

Learned counsel appearing for the petitioners submits



that petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the Dickey of the vehicle in question. He further submits that the petitioners have no concern with the alleged recovery and the petitioners are in custody since 26.06.2021.

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 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 Additional Sessions Judge-II-cum-Special Judge (Excise Act), Bhagalpur in connection with Naughachia P.S. Case No. 259 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)

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