

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61919 of 2021**

Arising Out of PS. Case No.-299 Year-2021 Thana- MAIRWAN District- Siwan

1. UMESH KUMAR YADAV Son of not known Resident of Village - Jalpurwa, P.S. - Gorea kothi, District - Siwan.
2. Arvind Kumar Son of not known Resident of Village - Jalpurwa, P.S. - Gorea Kothi, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv

For the Opposite Party/s : Mr.Akbar Ali, 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 Mairwa P.S.Case No. 299 of 2021 registered for the offence under Sections 272,273,420,120B IPC and 30(a),38(1) and 41(1) of Bihar Prohibition and Excise Act.

Recovery is of total 1208.440 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely



been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the truck in question and the petitioners are in custody since 24.09.2021.

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 2nd Addl. Sessions Judge-cum-Special Judge (Excise), Siwan in connection with Mairwa P.S.Case No. 299 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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