

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63177 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- MUFFASIL District- Aurangabad

1. AMOD YADAV Son of Chandeshwari Yadav Resident of Village - Chauraha, P.S.- Sahankarpur, District - Madhepura
2. Ram Krishna Mandal Son of Jagat Mandal Resident of Village - Simrahi, P.S. - Raghupur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2022 Heard learned counsel for the petitioners as well as learned APP for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

The petitioners seek bail in connection with Aurangabad Muffasil P.S. Case No.162 of 2021 registered for the offence punishable under Section 30(a) and 41 of the Bihar Prohibition and Excise Act.

The prosecution case in short is that 1323 liters of foreign liquor has been recovered from a truck bearing registration no. BR11L-0993.

Learned counsel appearing on behalf of the petitioners



submit that petitioners have clean antecedent and they have falsely been implicated in this case. Learned counsel for the petitioners further submit that in-fact the petitioner no.1 is the driver and the petitioner no.2 is the care taker (cleaner) of the truck in question. 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. Learned counsel for the petitioners further submit that charge sheet has been submitted against the petitioners and are in custody since 15.07.2021.

Learned APP for the State on the basis of the material available on the record fairly submits that there is no sufficient material against the petitioners.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge,-cum-Special Judge Excise, Aurangabad in connection with Aurangabad Muffasil P.S. Case No.162 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond 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 antecedent, the court below shall take steps 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)

Prakash Narayan /-

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