

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63156 of 2021

Arising Out of PS. Case No.-302 Year-2021 Thana- KATEYA District- Gopalganj

1. Sunil Sah, Son of Harendra Sah
2. Indu Gupta Wife of Sunil Sah
Both resident of Village - Lachhi Chak, P.S. - Bhore, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, 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 Kateya P.S. Case No.302 of 2021 registered for the offence punishable under Sections 414/34 of the IPC and under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case in short is that, the informant along with other police force was on patrolling duty and reached at main Chauraha at Panchdewari Bazar and started checking of vehicle coming from U.P. side then one Scooty came riding by a male person and one lady sitting behind the male person with bag and two persons



came riding on a motorcycle with bag, they were arrested by the police. During course of interrogation and search, 38.400 liters country made wine have been recovered from the possession of Sunil Sah and Indu Gupta which was kept in the bag on the seized Scooty without registration number and 41.2 liters country made wine have been recovered from the possession of Shivpurna Rai @ Shivaji and Ajit Kumar Giri which was kept in the bag on the seized Hero Honda Super Motorcycle Reg. No. BR-28 B-4115.

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 petitioners husband and wife, they are coming from in-laws house. He further submits that nothing has been recovered from the conscious possession of the petitioners, rather the police has planted the same and shown the recovery from the possession of the petitioners. Petitioners are in custody since 31.08.2021.

Learned Additional Public Prosecutor appearing on behalf of the State has opposes the prayer for bail of 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, IIInd-cum-Special Judge, Excise, Gopalganj in connection with
Kateya P.S. Case No.302 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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