

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64943 of 2021

Arising Out of PS. Case No.-510 Year-2021 Thana- KUDHNI District- Muzaffarpur

1. PRAKASH KUMAR S/O CHANDRADEO PRASAD @ BACHA BABU
R/o village- Chhajan Pasarwara, P.S.- Kudhani, District- Muzaffarpur
2. Manoj Kumar Sahani S/o Sumangal Sahni R/o village- Basauli, P.S.-
Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf
of the petitioner, which forms part of this application.

The petitioners seek bail in a case registered for
the offence under Sections 272, 273 and 414/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

Recovery is of 276.480 liters of foreign liquor.

Learned counsel appearing for the petitioners
submits that the petitioners are innocent and have falsely



been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the Tata Sumo Vehicle. He further submits that the petitioner No.1 is said to be the owner of the vehicle and petitioner No.2 happens to be driver of the said vehicle in question but both of them have no concern with alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner No. 1 carries seven more cases other than the present one whereas the petitioner No.2 carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Court below where the case is pending in connection with Kudhani (Turki O.P.) P.S. Case No. 510 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 bond shall be canceled 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 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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