

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64783 of 2021

Arising Out of PS. Case No.-196 Year-2021 Thana- VIJAYEPUR District- Gopalganj

1. Ajay Yadav @ Ajay Kumar Yadav Son Of Surendra Yadav R/O Village- Demusa, P.S.- Bhatni, District- Dewariya (U.P.)
2. Sudhir Kushwaha Son Of Nandishore Kushwaha R/O Village- Baluwa Afgan Mauni Chhaper, P.S.- Bhatni, District- Dewariya (u.p.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-03-2022 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.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Amendment Act 2018.

Recovery is of 42.400 liters of country made 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 alleged recovery has been made from Gunny bag kept on the motorcycle. The petitioners have no concern with the alleged motorcycle and the alleged recovery. The petitioners are rotting in custody since 20.09.2021.

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 Court below where the case is pending in connection with Vijayepur Police Station Case No.196 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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