

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65949 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- PARASI District- Jehanabad

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1. Rajeev Kumar, Son of Late Ramkeyas Chaudhary Resident of Village- Laxmanpur Bathe, P.S.- Parasi, District- Arwal.
 2. Chotu Kumar @ Chhotu Kumar, Son of Jai Narayan Chaudhary Resident of Village- Laxmanpur Bathe, P.S.- Parasi, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

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.

The petitioners seek bail in connection with Excise Case No. 745 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of 30 liters of countrymade liquor is made from a motorcycle kept in gunny bag.

Learned counsel appearing for the petitioners submits



that the petitioners have clean antecedent and have falsely been implicated in this case. He further submits that from the FIR, it appears that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from one motorcycle in question. He further submits that in fact petitioner no. 2 is the owner of the motorcycle no. BRO3X-4867 whereas petitioner no. 1 is the co-passenger of the said motorcycle. He further submits that the police after investigation submitted charge-sheet against these petitioners. The petitioners are rotting in judicial custody since 03.09.2021.

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 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 Additional Sessions Judge-II-Cum- Special Judge, Excise, Jehanabad in connection with Excise Case No. 745 of 2021 arising out of Parasi P.S. Case No. 51 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 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 bonds 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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