

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67164 of 2021

Arising Out of PS. Case No.-97 Year-2021 Thana- DEODHA District- Madhubani

1. Devendra Yadav, Son of Rajdeo Yadav, Resident of Village - Radha, Ward No.- 3, P.S.- Kaluahi, District - Madhubani
2. Sarit Kumar Mandal, Son of Bramhdeo Mandal, Resident of Village - Radha, Ward No.- 3, P.S.- Kaluahi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 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.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Deodha P.S.Case No.97 of 2021, corresponding to G.R. No. 1657 of 2021, registered for the offence under Sections 272, 273, 414/34 of the IPC and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegation against the petitioners is of indulging in the business of illicit liquor. Recovery is of total 330 litres of



Nepali Soufi wine made from different motorcycles of the petitioners and other accused persons.

Learned counsel appearing for the petitioner submits that the petitioners have falsely been implicated in the present case having no criminal antecedent. He further submits that the petitioners are made accused only on the basis of mere suspicion. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from motorcycles which has no concern with the petitioners. He further submits that the police, after investigation, submitted charge-sheet against the petitioners. The petitioners are in custody since 13.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Deodha P.S.Case No. 97of 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 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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