

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66654 of 2021**

Arising Out of PS. Case No.-718 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

-
1. ARJUN KUMAR Son of Ram Ashish Ram
 2. Ram Ashish Ram Son of Shiv Ratan Ram
Both Resident of Village - Basdila Tola Murgiya, P.S. and District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Adv

For the Opposite Party/s : Mr.Upendra Kumar,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 Gopalganj P.S.Case No. 718 of 2021 registered for the offence under Sections 30(a) and 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

Recovery is of total 36.82 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that petitioner No.2 has clean antecedent and petitioner No.1 is



accused in one another case. He further submits that it appears from the FIR that only 4.32 liters wine has been recovered from possession of petitioner No.1 and nothing has been recovered from possession of petitioner No.2. He further submits that on the basis of the disclosure made by the accused persons, 32.500 liters of foreign liquor has been recovered from the broken room near the house of the petitioners. He further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 30.09.2021.

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 Additional District and Sessions Judge-II, Gopalganj in connection with Gopalganj P.S.Case No. 718 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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