

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67452 of 2021

Arising Out of PS. Case No.-277 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

1. MITHILESH KUMAR ROY Son of Shri Ramchari Ray Resident of Village - Chaklall Sahi Ward no.06, P.S.- Tajpur (Halai O.P.), Distt.- Samastipur.
2. Gopal Ray Son of Shri Shiv Shankar Ray Resident of Village - Chaklall Sahi Ward no.06, P.S.- Tajpur (Halai O.P.), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shilpi Keshri

For the Opposite Party/s : Mrs.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Kochadhaman P.S. Case No. 277/ 2021 registered for the offences punishable under Sections 272, 273 of the IPC and Sections 30(a), 32, 41, 47 of Bihar Prohibition and Excise Act, 2016.

There is recovery of 446.700 litres of illicit Whisky from Mahindra Bolero Maxi Truck.

Learned counsel for the petitioners submits that



petitioner no. 1 has clean antecedent and petitioner no. 2 has got one criminal antecedent. He further submits that petitioners have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that nothing has been recovered from conscious possession of the petitioners rather the recovery was made from the vehicle in question and the petitioner no. 1 is driver and petitioner no. 2 is khalasi of the said vehicle. He further submits that the police after investigation submitted charge sheet against the accused persons including the petitioners and the petitioners are in custody since 04.10.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail.

Considering the aforesaid facts and circumstances, 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 the learned Additional Sessions Judge-II, Special Judge (Excise), Kishanganj in connection with Kochadhaman P.S. Case No. 277/ 2021, subject to 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 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.

3. 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)

shahzad/-

U		T	
---	--	---	--

