

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67748 of 2021**

Arising Out of PS. Case No.-299 Year-2021 Thana- MAIRWAN District- Siwan

1. VIKRAMA YADAV S/o Ratandev Yadav R/o village- Chandpur, P.S.- G.B. Nagar, District- Siwan
2. Shiv Kumar S/o Late Mahesh Singh R/o village- Suraksha Vihar, H.No.- 20 Town, P.S.- Sonhaura, District- South East Delhi
3. Raj Kishor Yadav S/o Vishwa Nath Yadav R/o village- Chandpur, P.S.- G.B. Nagar, District- Siwan
4. Uday Kumar S/o Deonandan Paswan R/o village- Baghtila, P.S.- Belachhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raju Prasad  
For the Opposite Party/s : Mrs.Asha Devi

**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 Mairwa P.S. Case No. 299/ 2021 registered for the offences punishable under Sections 272, 273, 420, 120(B) of the IPC and Sections 30(a), 38(i), 41(i) of Bihar Excise and Prohibition Act, 2016.

There is recovery of 720 ml of illicit foreign liquor from the car and 1207.440 litres of illicit foreign liquor from the



truck.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that the petitioner no. 1 and 2 were arrested from the car and from the car only 720 ml. liquor has been recovered. He further submits that co-accused persons, namely, Umesh Kumar Yadav and Arvind Kumar, who were apprehended from the truck along with petitioners no. 3 and 4, have been granted bail by this court vide order dated 03.03.2022 passed in Cr. Misc. No. 61919 of 2021 and the petitioners are in custody since 24.09.2021.

The learned Additional Public Prosecutor 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 cum Special Judge, Excise, Siwan/concerned court in connection with Mairwa P.S. Case No. 299/ 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)**

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