

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68919 of 2021

Arising Out of PS. Case No.-508 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. Kari Singh @ Rajiv Singh S/o Sukeshwar Singh R/o village- Baradih, P.S.-
Runnisaipur, District- Sitamarhi
2. Tullu Singh @ Randhir Singh S/o Shyam Singh R/o village- Baradih, P.S.-
Runnisaipur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
Smt. Divya Bharti, Advocate
For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 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 Runnisaipur P.S. Case No. 508 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 156.875 liters of illicit wine was recovered from the husk hut of the Chhedi Thakur.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioners, rather the recovery has been made from the phoos house of the Chhedi Thakur. He further submits that similarly situated, co-accused, namely, Randhir Kumar @ Tullu Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.06.2021 passed in Cr. Misc. No. 27454 of 2021 and other co-accused, namely, Vimal Kumar @ Vimal Sah has been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2021 passed in Cr. Misc. No. 38282 of 2021. The petitioners are in custody since 27.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for 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 District Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Runnisaipur P.S. Case No. 508 of 2020, 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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