

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68641 of 2021**

Arising Out of PS. Case No.-248 Year-2021 Thana- LAUKAHI District- Madhubani

1. Om Prakash Roy Son of Rajendra Roy Resident of Village - Ladaniya , Ward no.6, P.S.- Andhramath , Distt.- Madhubani.
2. Lattu Roy Son of Rajendra Roy Resident of Village - Ladaniya , Ward no.6, P.S.- Andhramath , Distt.- Madhubani.
3. lakshaman Safi Son of Chaudhary Safi Resident of Village - Kamalpur, P.s.- Jhutaki, Distt.- Saptari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Prakash, Advocate  
For the Opposite Party/s : Md. Aslam Ansari, 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 Laukahi P.S. Case No. 248 of 2021, G.R. No. 1963 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 343.800 liters



Nepali country made liquor was recovered from the pakki road/way.

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 it appears from the F.I.R. that alleged recovery has been made from the road and nothing has been recovered from conscious possession of the petitioners. He further submits that after investigation police has submitted the charge sheet against the petitioners. The petitioners are in custody since 25.10.2021.

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 Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Laukahi P.S. Case No. 248 of 2021, G.R. No. 1963 of 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)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

