

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69720 of 2021**

Arising Out of PS. Case No.-493 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

1. RAVINDRA RAI S/o Late Sogarath Rai R/o village- Lohashi, P.S.- Belsand, District- Sitamarhi
2. Mukesh Rai S/o Ramsevak Rai R/o village- Raipur, P.S.- Runni Saidpur, District- Sitamarhi
3. Raj Kishore Rai S/o Sundar Rai R/o village- Lohashi, P.S.- Belsand, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha, Adv
For the Opposite Party/s : Ms.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-03-2022 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 Runnisaidpur P.S.Case No. 493 of 2021 registered for the offence under Sections 30(a),36,41(1) of Bihar Prohibition and Excise Act.

Recovery is of 875.280 liters of illicit wine.

Learned counsel appearing for the petitioners submits



that the petitioners have clean antecedent. He further submits that the petitioners have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from one container of the Truck and Motorcycle. He further submits that the petitioners have no concern with the said container and they are in custody since 09.09.2021.

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-cum-Special Judge (Excise), Sitamarhi in connection with Runnisaidpur P.S.Case No. 493 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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