

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70091 of 2021

Arising Out of PS. Case No.-308 Year-2021 Thana- MAIRWAN District- Siwan

1. AFZAL ALI Son of Ali Abbas
2. Punit Kumar Son of Mainekar Bhagat
Both Resident of Village - Baghauni, P.S.- Hussainganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2022 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 a case registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 272.760 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the



petitioners rather the recovery has been made from Car in question. He further submits that similarly situated co-accused, namely, Rajesh Yadav and Krishna Kumar Yadav have been granted bail vide order dated 08.03.2022 in Cr. Misc. No.67170 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 05.10.2021.

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 the learned court below where the case is pending in connection with Mairwa Police Station Case No.308 of 2021 C-III 91/2021 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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