

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70466 of 2021

Arising Out of PS. Case No.-296 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

1. Pradyut Kumar Das Son of Late Jagarnath Das Resident of Village- Ahirol, P.S.- Sutiaun, District- Murshidabad (Wes Bengal).
2. Surjeet Mandal @ Surajit Mandal Son of Late Shankar Mandal Resident of Village- Nimita (Guripara), P.S.- Samserganj, District- Murshidabad (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 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 Special Case NO. 490 of 2021 arising out of Kochadhaman P.S. Case No. 296 of 2021 registered for the offences punishable under Sections 272, 273, 420 of the Indian Penal Code and Sections 30(a), 32(2)(3), 33, 41, 47 of Bihar Prohibition and Excise Act, 2016.

Recovery is of 8800 liters of spirit.

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. He further submits that nothing has been recovered from conscious possession of the petitioners, rather the recovery has been made from the Truck in question. He further submits that the petitioners are not apprehended on the spot. He further submits that the seizure list was not prepared in accordance with Section 100 of the Cr.P.C. The petitioners are in custody since 30.10.2021.

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), Kishanganj in connection with Special case No. 490 of 2021 arising out of Kochadhaman P.S. Case No. 296 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)

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