

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70852 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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1. NAYAN KUMAR S/o Paltu Yadav Resident of village - Nawada, P.S. - Chautham, District - Khagaria.
 2. Sunil Kumar S/o Paltu Yadav Resident of village - Nawada, P.S. - Chautham, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-04-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners, who is in custody since 22.10.2021,
seeks regular bail in connection with Excise Case No. 84C3 of
2021, for the offence punishable under Section 30 of Bihar
Excise Act.

The allegation is of recovery of 30 litres of Indian
Made Foreign Liquor recovered from the house of the
petitioners.

Learned counsel appearing on behalf of the petitioners



submits that petitioners are innocent and they have falsely been implicated in this case. He further submits that petitioners have clean antecedent and nothing has been recovered from the possession of the petitioners rather the alleged liquor found near the gate of the petitioners. The petitioners are in custody since 22.10.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the nature of allegation as well as the period of custody undergone, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. One Lakh with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Khagaria in connection with Excise Case No. 84C3 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(5) The Court below is directed to verify the criminal antecedent of the petitioners and if the petitioners are found accused in any other case, as mentioned in paragraph No.3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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