

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71519 of 2021

Arising Out of PS. Case No.-179 Year-2021 Thana- RANIYATALAB District- Patna

1. Shiv Ranjan Kumar S/o Umesh Sha R/o village- Khilwat, P.S.- Bidupur, District- Vaishali
2. Chunchun Yadav S/o Ganaur Yadav R/o village- Kanchanpur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate

For the Opposite Party/s : Md. Iftexhar Mahmood, A.P.P.

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 in virtual court proceeding.

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 Rani Talab P.S. Case No. 179 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 1656 liters of foreign liquor.

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 in fact the petitioners are the driver and Khalasi of the truck in question. 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. The petitioners are in custody since 12.09.2021.

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 Special Judge, Excise, Patna in connection with Special Case No. 5685 of 2021 arising out of Rani Talab P.S. Case No. 179 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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