

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72083 of 2021

Arising Out of PS. Case No.-351 Year-2021 Thana- RIGA District- Sitamarhi

-
1. RAMUDAY KAPAR S/o Vishwanath Kapar R/o village- Usarahiya, Ward No. 2, P.S.- Riga, District- Sitamarhi
 2. VISHWANATH KAPAR S/o Ramlochan Kapar R/o village- Usarahiya, Ward No. 2, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

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 Riga P.S. Case No. 351 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 137.550 litres of illicit foreign liquor.

Learned counsel for the petitioners submits that



petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list that recovery has been made from the room behind the house of the petitioners which is open area and anyone can reach that room. He further submits that petitioner no. 2 has no criminal antecedent and petitioner no. 1 carries two criminal antecedent. He further submits that nothing has been recovered from conscious possession of the petitioners and the petitioners are in custody since 15.10.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of 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 Act, Sitamarhi in connection with Riga P.S. Case No. 351 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)

shahzad/-

U		T	
---	--	---	--

