

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72106 of 2021

Arising Out of PS. Case No.-216 Year-2021 Thana- POTHIIYA District- Kishanganj

1. KISHAN CHOUDHARY @ KISHAN Son of Late Chandrika Choudhary Resident of Village- Jaigaon, P.S.- Jaigaon, District- Alipur (W.B.)
2. ASRABUL MIYAN @ ASHRABUL MIYAN @ ASRAB MIA Son of Moinuddin Miyan @ Mohiruddin Mia Resident of Village- Jaygaon, P.S.- Jaigaon, District- Alipur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 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 in virtual Court proceeding.

The petitioners seek bail in connection with Pothia P.S.Case No. 216 of 2021 giving rise to Special Case No.562 of 2021 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 85.50 liters of illicit foreign liquor.

Learned counsel appearing for the petitioners submits that petitioners have clean antecedent. They have falsely been



implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from one Tavera vehicle in question. He further submits that the petitioners have no concern with the alleged liquor or vehicle in question and the petitioners are in custody since 25.11.2021.

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 learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Kishanganj in connection with Pothia P.S. Case No. 216 of 2021 giving rise to Special Case No.562 of 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)

Nitesh/-

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

