

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1445 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- LAUKAHI District- Madhubani

1. LAXMAN KUMAR Son of Kushe Paswan
 2. Promod Kumar Son of Bechan Paswan
- Both are Resident of Village - Kaluahi, P.S.- Laukahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Shubham, Adv

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2022 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 learned APP for the State in virtual Court proceeding.

Petitioners seek bail in a case registered for the offences punishable under Sections 272,273 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 343.800 liters Nepali country made liquor was recovered from the pakki road/way.

Learned counsel appearing for the petitioners submits



that the petitioners have clean antecedent. They have falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from possession of the petitioners rather the recovery has been made from the Sacks which was phoned by the accused persons. He further submits that the petitioners were apprehended only on the basis of the suspicion and nothing has been recovered from possession of the petitioners and the police, after investigation, submitted chargesheet against the petitioners and the similarly situated co-accused, namely, Om Prakash Roy and others have been granted bail by this Court vide order dated 09.03.2022 in Cr. Misc. No.68641 of 2021 and the petitioners are in custody since 25.10.2021.

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 Court below where the case is pending in connection with Laukahi P.S.Case No. 248 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)

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