

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1138 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- BIKRAM District- Patna

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1. VINOD S/o Jai Singh R/o village- Bhamadi (Mundi Tal), P.O. and P.S.- Sadulpur, District- Churu (Rajasthan)
 2. Ashok Kumar S/o Ram Kishan R/o village- Mundital, P.O. and P.S.- Sadulpur, District- Churu (Rajasthan)

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mrs.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of total 1603.185 liters of country made and foreign liquor from the truck.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been



recovered from the conscious possession of the petitioners, rather the recovery has been made from the Truck in question and mandatory Section 100 of Cr.P.C. has not been followed. He further submits that petitioner no.1 is the driver and petitioner no.2 is the Khalasi of the said vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 19.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

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 Court below where the case is pending in connection with Special Case NO. 5860 of 2021 arising out of Bikram P.S. Case No. 197 of 2021, subject to the following conditions:-

1. One of the bailor should be father/brother of the petitioners and another should be local people.

2. 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.

3. 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.

4. 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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