

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2305 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- TILAUTHU District- Rohtas

1. AMIT KUMAR S/o Surendra Yadav
2. Sunil Kumar S/o Ram Bhajan Sah
Both R/o village- Telkap P.S.- Rohtas, Distt- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail, who are in custody since
23.10.2022 in connection with Tilouthu P.S. Case No. 252 of
2022, F.I.R. dated 23.10.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

Recovery is of 30 liters of country made liquor.

Learned counsel appearing for the petitioners submits
that the petitioners have clean antecedent and they have falsely
been implicated in the present case mainly on the basis of
suspicion. Further submits that it appears from the FIR as well
as the seizure list that nothing has been recovered from



conscious possession of the petitioners rather the recovery has been made from the motorcycle in question and the petitioners are neither the drivers nor the owners of the motorcycle in question and the petitioners have no concern at all with the alleged recovery of illicit liquor or the motorcycle in question and it has come in the impugned order that owner of the motorcycle is Dhiraj Kumar and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 23.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioners, having clean antecedent, 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 Special Judge, Excise Court No.2-cum-Addl. District and Sessions Judge, Rohtas at Sasaram in connection with Tilouthu P.S. Case No. 252 of 2022, 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 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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