

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2908 of 2023

Arising Out of PS. Case No.-486 Year-2022 Thana- BAISI District- Purnia

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1. SURAJ KUMAR Son of Ram Binod Mahto Resident of village - Baharkhal, P.S.- Rautara, Distt.- Katihar.
 2. Sonu Kumar Mahto Son of Arun Kumar Mahto Resident of village - Bishanpur, P.S.- Rautara, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in a case registered for the offence under Section 30(a), 41 and 47 of the Bihar Prohibition and Excise Act.

Recovery is of 238.200 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. and the seizure list that altogether 238.200 liters of foreign liquor has been recovered from the Alto car in question and



nothing has been recovered from the conscious possession of the petitioners. Neither the petitioners happen to be the owner of the alleged vehicle nor they are said to be the driver of the vehicle in question. He further submits that the petitioners have no concern at all with the alleged recovery and the vehicle in question. He further submits that there is non compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 08.12.2022.

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, above named, petitioners 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 Baisi P.S. Case No. 486 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 canceled 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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