

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2671 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- GOPALPUR District- Bhagalpur

1. KAMAL PAL Son of Dwarika Nath Pal R/v- Bhukhrali, P.S.- Dumka Muffasil, District- Dumka (Jharkhand)
2. CHANDRA SHEKHAR SAH Son of Sambhu Sah R/v- Harna Kudi Kali Mandir, P.S.- Muffasil, District- Dumka (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 25.11.2022, in connection with Gopalpur (Rangra OP) P.S. Case No. 597/2022 registered for the offences punishable under Sections 279/337/338/427/414 of the I.P.C & Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 240.18 litres of illicit liquor has been recovered from the Scorpio vehicle.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence 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 conscious possession of the petitioners rather the recovery has been made from the Scorpio in question and the petitioners have no concern with the alleged recovery of illicit liquor. He further submits that there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 25.11.2022.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Exclusive Special Excise Judge-I, Bhagalpur, in connection with Gopalpur (Rangra OP) P.S. Case No. 597/2022, subject to the following conditions:-

1. one of the bailors must be the family members of the petitioners.
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)

amit/-

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

