

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2895 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

1. SUBHASH KUMAR @ SUBHASH YADAV Son of Bhim Yadav Resident of Village - Asani, Police Station - Udwantnagar, District - Bhojpur at Ara.
2. Bhim Yadav @ Bheem Singh Son of Badha Yadav @ Bagha Yadav Resident of Village - Asani, Police Station - Udwantnagar, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioners and learned counsel for the informant as also the learned A.P.P. for the State.

The petitioners seek bail in connection with Udwantnagar P.S. Case No. 394 of 2022 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 170 liters of country made liquor.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. He further submits that it appears from the FIR and the seizure list that nothing incriminating has been recovered



from the conscious possession of the petitioners rather recovery is made from the open place and the petitioners have no concern with the alleged allegation of recovery. 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 14.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry two more cases other than the present one.

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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Excise Court No. II, Bhojpur, Ara in connection with Udwanthnagar P.S. Case No. 394 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 his 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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Singh/Amit-

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