

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4405 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- CHANDI District- Bhojpur

-
1. RAM AYODHYA KUMAR SON OF AWADH BIHARI SINGH R/O VILLAGE- SALEMPUR, P.S.- CHANDI, DISTRICT- BHOJPUR
 2. RAM BIHARI SINGH SON OF LATE MAHAJIDI SINGH R/O VILLAGE- SALEMPUR, P.S.- CHANDI, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Chandi P.S. Case No. 287 of 2022 dated 14.11.2022 registered for the offence under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act.

Recovery is of 100 liters of mahua wine.

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 the petitioners have been made accused in this case on the basis of disclosure made by the local



Chaukidar. He further submits that nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made near the bank of river and the petitioners have no concern at all with the alleged 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 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 Exclusive Special Excise Court No.1, Bhojpur at Ara in connection with Chandi P.S. Case No. 287 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 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)

brajesh/-

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

