

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74493 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- CHANDI District- Bhojpur

1. HARI SHANKAR SINGH S/O RAVINDRA SINGH.
2. MANNU SINGH @ MUNNA SINGH S/O KRISHNA BHAGWAN Both
are Resident of village- Salempur, P.S.- Chandi, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4805 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- CHANDI District- Bhojpur

RAMESH SINGH Son of Kishun Singh Resident of village - Salempur, P.S.-
Chandi, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74493 of 2022)

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

For the Opposite Party/s : Mr.Humayou Ahmad Khan,APP

(In CRIMINAL MISCELLANEOUS No. 4805 of 2023)

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

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State in both the applications.

The petitioners seek bail in connection with Chandi
P.S. Case No. 121 of 2022, F.I.R. dated 07.05.2022 registered
for the offence punishable under Sections 30 (a), 36 of Bihar
Prohibition and Excise Amendment Act, 2018.



Recovery is of 70 liters of Mahua wine.

Learned counsel appearing for petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case on the basis of the suspicion. Further submits that it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the Bank of river and the petitioners have no concern at all with the alleged recovery of illicit liquor and the police, after investigation, submitted chargesheet against the petitioners. Further submits that petitioners-Hari Shankar Singh and Mannu Singh are in custody since 28.11.2022 and petitioner-Ramesh Singh is in custody since 21.12.2022 respectively.

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

Considering the facts and circumstances of the case, 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 1st Exclusive Special Excise Court, Bhojpur at Ara in connection with Chandi P.S. Case No. 121 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 bonds 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.

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 antecedents, 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)

Nitesh/-

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