

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4451 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- HASANPUR District- Samastipur

1. BADAL KUMAR Son of Shambhu Paswan R/o Village - Bakhri Naya Tola Goriyari, Ward No.- 16, P.S.- Bakhri, District - Begusarai.
2. Dharmendra Sahni @ Dharo Shani @ Dharwendra Kumar Son of Arjun Sahni R/o Village - Bakhri Naya Tola Goriyari, Ward No.- 16, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 21.10.2022, in connection with Hasanpur P.S. Case No. 245/2022, Excise G.R. No. 762/2022, F.I.R. dated 20.10.2022 registered for the offences punishable under Sections 30(a), 32, 36, 41(i)(ii) of Bihar Prohibition and Excise Amendment Act, 2018.

According to prosecution case, total 992.655 litres of foreign liquor is said to have been recovered from the possession of the petitioners.

Learned counsel for the petitioners submits that



petitioner no.1 has clean antecedent and the petitioner no.2 has carried three criminal antecedent and they have falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the vehicles in question and the petitioners have no concern at all with the alleged recovery of illicit liquor. He further submits that only on the basis of suspicion and disclosure made by the co-accused, the petitioners have been implicated in the present case and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 21.10.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.2 has carried three criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court-1, Samastipur, in connection with Hasanpur P.S. Case No. 245/2022, Excise G.R. No.762/2022, subject to 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 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.

3. 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)

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