

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5013 of 2023

Arising Out of PS. Case No.-501 Year-2022 Thana- BARUN District- Aurangabad

1. BHIKHARI SINGH Son of Late Hari Singh R/V- Yadav Muhalla, P.S- Barun, Dist- Aurangabad
2. Chandra Shekhar Singh Son of Bhikhari Singh R/V- Yadav Muhalla, P.S- Barun, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 18.11.2022, in connection with Barun P.S. Case No. 501/2022, corresponding to G.R. No. 1500/2022, F.I.R. dated 17.11.2022, for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act, 2018.

According to prosecution case, total 227.88 litres of illicit liquor is said to have been recovered from the house of the petitioners.

Learned counsel for the petitioners submits that petitioner no.1 has clean antecedent and the petitioner no.2 has



carried one criminal antecedent and they has 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 joint house of the petitioners and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the petitioners have no concern at all with the alleged recovery of illicit liquor and the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 18.11.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.2 has carried one 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge of Excise-1, Aurangabad in connection with Barun P.S. Case No.501/2022, corresponding to G.R. No.1500/2022, 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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