

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14991 of 2023**

Arising Out of PS. Case No.-245 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

ROHIT RAJ S/O SHIVJEE RAM R/v- Tintanga, P.S.- Gopalpur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16783 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- INDUSTRIAL District- Bhagalpur

SUJIT KUMAR @ SIJI KUMAR @ SUJI SON OF TARNI MANDAL R/O VILLAGE- PANDUBATHAN, P.S.- GODDA, DISTRICT- GODDA (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14991 of 2023)

For the Petitioner/s : Mr.Chaitanya Krishna, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

(In CRIMINAL MISCELLANEOUS No. 16783 of 2023)

For the Petitioner/s : Mr.Saket Tiwary, Adv.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 15-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Bhagalpur Industrial Area P.S. Case No. 245 of 2022 dated 16.12.2022 registered for the offence under Sections 30(a) read with 32(ii) of the Bihar Prohibition and Excise Act.



Recovery is of 435.96 liters of foreign liquor from the two vehicles.

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 it appears from the F.I.R. and the seizure list, altogether 435.96 liters of foreign liquor have been recovered from the two vehicles in question. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners and they have no concern at all with the alleged recovery. He further submits that the petitioner, Rohit Raj is stated to be the driver of the Scorpio vehicle from which 36 liters of foreign liquor have been recovered. So far as petitioner, Sujit Kumar is concern, neither he happens to be driver of any of the vehicle in question nor he owns the alleged vehicle and he has got 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. Both the petitioners are rotting in judicial custody since 18.12.2022.

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 Judge-I, Bhagalpur in connection with Bhagalpur Industrial Area P.S. Case No. 245 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)

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