

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16446 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- KUDHNI District- Muzaffarpur

1. JASWEER SINGH Son of Ram Singh Resident of village - Mugowal Gujeran @ Bhukewak Gujeran, P.S.- Mahalpur, District - Hoshiarpur, Punjab.
2. Hani Bhopal Son of Sanjeev Kumar Resident of village - Mugowal Gujeran, P.S.- Mahalpur, District - Hoshiarpur, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail, who is in custody since 24.01.2023 in connection with Kudhani (Turki O.P.) P.S. Case No. 31 of 2023, F.I.R. dated 23.01.2023 registered for the offence punishable under Sections 272, 273, 420, 467, 468, 471, 120B, 34 of IPC and Sections 30(a),32(2)(B),41(i) (2) of Bihar Prohibition and Excise Act, 2018.

Recovery is of 5733.360 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further



submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the Truck in question and the petitioner No.1 is driver of the Truck in question and petitioner No.2 is cleaner 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 and the petitioners are in custody since 24.01.2023.

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

Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioners, having clean antecedent, 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 learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 31 of 2023, 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 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) One of the bailors should be the father of both the petitioners.

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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