

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17193 of 2023

Arising Out of PS. Case No.-1097 Year-2022 Thana- BIHTA District- Patna

1. Md Azad Son Of Md. Aslam Resident Of Village - Silauthar, P.S. - Jandaha, Distt. - Vaishali.
2. Subhash Singh @ Subhash Kumar @ Subhash Kumar Singh Son Of Harendar Singh Resident Of Village - Tapovan, P.S. - Kuchia, Distt. - Kaimur
3. Dhanu Kumar Son Of Dasai @ Dasai Singh Resident Of Village - Ekauni, P.S. - Kochas, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail, who is in custody since 21.10.2022 in connection with Bihta P.S. Case No. 1097 of 2022, F.I.R. dated 20.10.2022 registered for the offence punishable under Sections 420,467,468/34 of IPC and Sections 30(a), 32,36 and 41 of Bihar Prohibition and Excise Act.

Recovery is of 877.5 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 petitioners have no concern at all with the alleged recovery of illicit liquor and the petitioners are not the owner of the truck in question and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 21.10.2022.

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 Excise Judge, Danapur, Patna in connection with Bihta P.S. Case No. 1097 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 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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