

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17917 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- CHEWARA District- Sheikhpura

1. SHYAM BABU SINGH Son of Sri Ram Krishan Singh R/V- Dharmshala Road Chas, P.s- Chas, Dist- Bokaro, Jharkhand
2. Bipin Kumar Paswan Son of Amirak Paswan @ Amrita Paswan R/V- Taranagar Chas, P.S- Chas Dist-Bokaro Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 12.01.2023 in connection with Chewara P.S. Case No. 03 of 2023, F.I.R. dated 11.01.2023 for the offences punishable under Sections 30(a), 32(ii), 41(1) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of total 811.125 liters of Indian Made Foreign Liquor.

Learned counsel for the petitioners submits that petitioners are innocent and they have 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 the conscious possession of the petitioner rather the recovery has been made from the Truck and Maruti Car in question and in fact the petitioner no.1 is the driver and petitioner no.2 is the Khalasi of the vehicle in question. He further submits that petitioners have no concern at all with the alleged recovery of illicit liquor and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 12.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C., 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 Judge, Sheikhpura in connection with
Chewara P.S. Case No. 03 of 2023, 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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