

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49549 of 2023

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

1. SURAJ KUMAR @ SURAJ NONIA Son of Ramchandra Nonia Resident of village - Bahiyardih, P.S. - Madhuban, Distt. - Dhanbad (Jharkhand)
2. ANISH MAHATO Son of Jitu Mahato Resident of village - Chitahi Basti, P.S. - Barora, Distt. - Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners seek bail, who are in custody since 13.01.2023, in connection with Malaypur P.S. Case No. 57 of 2021, F.I.R. dated 09.04.2021 registered for the offences punishable under Sections 272, 273, 34 394 of the Indian Penal Code and Sections 30(a), 36, 41(1) of the Bihar Prohibition Excise Act.

3. Recovery is of 2160 litres of illicit liquor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case on the basis of disclosure made by co-accused person. He further submits that the petitioner is not



named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused persons. 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 or the house of the petitioners and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 13.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Jamui in connection with Malaypur P.S. Case No. 57 of 2021, 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

