

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46783 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- UCHKAGAON District- Gopalganj

1. MUNNA KUMAR Son of Harkesh Chaudhary Resident of village - Pidra, P.S - Uchkagaon, Distt. - Gopalganj
2. Udish Kumar Son of Birbal Ram Resident of village - Pidra, P.S - Uchkagaon, Distt. - Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Uchkagaon P.S. Case No. 205 of 2023 registered for the offence under Sections 30(a)(b) of the Bihar Prohibition and Excise Act.

Recovery is of 648 liters of country made liquor.

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 on bare perusal of the F.I.R. and the seizure list, it appears that nothing has been recovered from the conscious possession of the petitioners rather that the alleged recovery has been made from the vehicle in question. He further submits that the



petitioners have no concern at all with the alleged recovery and the vehicle in question. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 10.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently 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 Additional District and Sessions Judge-II -cum- Special Excise Court No.1, Gopalganj in connection with Uchkagaon P.S. Case No. 205 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 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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