

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53235 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. RAJESH KUMAR SAH Son of Sri Vishwanath Sah Resident of village - Korhi Kla, Kachoriwa, P.s. - Basantpur, Distt. - Siwan
2. SUNIL KUMAR Son of Sri Bajrangi Prasad Resident of village - Basantpur, P.S. - Basantpur, Distt. -Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 19-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 02.06.2023 seek bail in connection with Mohammadpur P.S. Case No.129/2023 dated 01.06.2023, registered for the offence punishable under Section 414 of the IPC & Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.
3. According to prosecution case, total 99.27 litres of foreign liquor, Rs.12000/- cash, two mobiles have been recovered from the Bolero Jeep of the petitioners.
4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare



perusal of the F.I.R. as well as seizure list, it appears that altogether 99.27 litres of foreign liquor, Rs.12000/- cash and two mobile phones have been recovered from the possession of the petitioners and they have not produced any valid paper of the vehicle in question. He further submits that in fact nothing has been recovered from conscious possession of the petitioners or the vehicle in question rather the police has planted the same and shown the recovery from the possession of the petitioners and there is non-compliance of section 100 of the Cr.P.C. The petitioners are in custody since 02.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 A.D.J.-II-cum-Special Judge Excise-I, Gopalganj in connection with Mohammadpur P.S. Case No.129/2023, 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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