

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52816 of 2023

Arising Out of PS. Case No.-500 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Amrendra Kumar Singh Son Of Late Arun Singh Resident Of Village- Barka Lauhar, P.S.- Badhara, District- Bhojpur (ARA)
2. Ramu Kumar Son Of Dashrath Ram Resident Of Village- Barka Lauhar, P.S.- Badhara, District- Bhojpur (ARA)
3. Vikash Singh Son Of Bhuneshwar Singh Resident Of Village- Barka Lauhar, P.S.- Badhara, District- Bhojpur (ARA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 16.07.2023 in connection with Mohania P.S. Case No. 500 of 2023, F.I.R. dated 15.07.2023 for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a), 47 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of total 100.86 liters of illicit liquor and from possession of petitioner no.1 and 2 one mobile phone and from possession of petitioner no.3 one mobile phone and Rs.65700/-.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent 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 or the house of these petitioners rather the recovery has been made from the vehicle in question. He further submits that petitioner no.1 is the driver of the vehicle in question and Amrendra Kumar Singh (petitioner no.1) told that they have purchased the liquor in question from New Delhi. The petitioners are in custody since 16.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and nothing has been recovered from the conscious possession of these petitioners, 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 Special Judge, Excise-I-cum-A.D.J.-IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 500 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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