

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58168 of 2023

Arising Out of PS. Case No.-300 Year-2023 Thana- RAMGARHWA District- East Champaran

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1. UPENDRA KUMAR S/o HARENDRA RAM Resident of village - Ahirwa tola Ward no. 7, P.s. - Raxaul, Distt. - East Champaran
 2. Subhash Kumar @ Subhash Kumar Paswan Son of Lalan Paswan Resident of village - Ahirwa Tola Ward no. 7, P.S. - Raxaul, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 13.07.2023 in connection with Ramgarhwa P.S. Case No.300 of 2023, F.I.R. dated 13.07.2023 for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of total 49 liters of foreign liquor.

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 the



petitioners rather the recovery has been made from the motorcycle in question and the motorcycle in question is belongs to father of petitioner no.1. 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 custody since 13.07.2023.

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 Exclusive Special Excise Court No.2, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 300 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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