

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57606 of 2023

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

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1. Sudish Kumar Son of Late Lalbabu Ram R/o vill - Ahirwa tola Ward no. 7,
P.S. - Raxaul, distt. - East Champaran
 2. Rajkumar Patel Son of Krishna Patel R/o vill - Ashram Road, P.S. - Raxaul,
Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mrs. Rashmi Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seeks 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 and 414 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 50 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. She further submits that it
appears from the F.I.R. as well as seizure list that nothing has



been recovered from the conscious possession of the petitioners rather the recovery has been made from the motorcycle in question. She further submits that the motorcycle in question does not belong to the petitioners and the petitioners have no concern at all with the alleged recovery of the illicit liquor. The petitioners are in custody since 13.07.2023.

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

6. Considering the aforesaid facts and circumstances and the petitioners have clean antecedent, 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:-

i. 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.

ii. If the petitioners tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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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