

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61546 of 2023

Arising Out of PS. Case No.-475 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

1. Rajiv Ranjan S/O Arvind Kumar Jha R/O Village- Karihan, P.S- Mahua, Distt.- Vaishali.
2. Anish Kumar S/O Jayprakash Singh R/O Village- Madhopur, P.S- Dewaria, Distt.- Muzaffarpur, At Present Yogipur, Singh Mandir, P.S- Patrakarnagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 31.07.2023 in connection with Special Case No.5983 of 2023 (arising out of Ramkrishna Nagar P.S.Case No.475 of 2023), F.I.R. dated 30.07.2023 registered for the offence punishable under Sections 30(a)/32(II)(III)/41 of Bihar Prohibition and Excise Amendment Act, 2018.

3. Recovery is of 56.25 liters of foreign liquor.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that



from a bare perusal of the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the vehicle in question and petitioner No.1 is Helper and petitioner No.2 is Driver of the vehicle in question and they have no concern at all with the alleged recovery of illicit liquor and there is non-compliance of Section 100 of the Cr.P.C. and the petitioners are in custody since 31.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioners, having 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 learned Special Judge Excise, Patna in connection with Special Case No.5983 of 2023 (arising out of Ramkrishna Nagar P.S.Case No.475 of 2023), with 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 tamper 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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