

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61989 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. Chandrabhushan Choudhari son of Sonelal Choudhary Village- Jamdaha Ps- Jamdaha Dist- Vaishali
2. Kamlesh Kumar Singh @ Kamlesh Singh Son of Tildhari Singh Village- Chakbhairo Ps- Jamdaha Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 23.06.2023 in connection with Phulwariya P.S. Case No. 221 of 2023, F.I.R. dated 22.06.2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 486.72 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 no incriminating articles have been recovered from the conscious possession of



the petitioners rather the recovery has been made from the Tata Magic Truck and motorcycle in question and the petitioners are neither the owner nor the driver of the said vehicles in question. He further submits that the petitioners have no concern at all with the alleged recovery of the illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 23.06.2023.

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 2nd Additional Sessions Judge cum Special Judge Excise Court I, Gopalganj in connection with Phulwariya P.S. Case No. 221 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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