

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68820 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- GARKHA District- Saran

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1. Vimal Devi D/o Chandeshwar Ram R/o vill - Mahamda, P.S. - Garkha, Distt. - Saran
 2. Naresh Ram Son of Chandeshwar Ram R/o vill - Mahamda, P.S. - Garkha, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Adv.
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Garkha P.S. Case No. 674 of 2022 dated 22.10.2022, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. There is alleged recovery of 150 liters country made liquor near the back door of the petitioners' house.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. It is further submitted that the said liquor has not been recovered from the house of the petitioners. It is submitted that the bamboo orchard is behind the house of the petitioners from



where the said recovery was made by the police. It is next submitted that there is no recovery from the conscious possession of the petitioners or from the house of the petitioners. The petitioner No.1 has one criminal antecedent, whereas the petitioner No.2 has two criminal antecedents, as per statement made in para 3 of the petition.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-2nd-cum 1st Exclusive Special Judge, Excise, Saran, Chapra, in connection with Garkha P.S. Case No. 674 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C. and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

(Khatim Reza, J)

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