

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3351 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. Chhathu Ram Son of Chhotelal Ram R/v- Badarjimi Mahaicha, P.S.- Uchkagaon, District- Gopalganj
2. Akash Kumar Son of Dhunmun Pandit @ Thunamun Pandit @ Tunmun Pandit R/v- Utter Mohalla Ward No. 16, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise Act, 2016 cum 2018.

Recovery is of 942.12 liters of illicit foreign wine.

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 of the petitioners rather the recovery has been made from tractor in question. He further submits that the petitioners are not the owner nor the driver of the tractor in question and they 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 03.10.2022.

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

Considering the aforesaid facts and circumstances, petitioners have clean antecedent and nothing has been recovered from the conscious possession of the 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 Court below where the case is pending in connection with Phulwariya P.S. Case No. 428 of 2022, 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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