

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72655 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- CHANAN District- Lakhisarai

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SUBODH KORA Son of Sahdev Koda R/v- Kachhua Dargah Tola, P.S.-
Chanan, District- Lakhisarai, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 73779 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- CHANAN District- Lakhisarai

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BASUDEV KORA Son of Sahdev Koda R/V- Kachhua Dargah Tola, P.S.-
Chanan, Dist- Lakhisarai Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 72655 of 2022)

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 73779 of 2022)

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in connection with Chanan
P.S. Case No. 62 of 2022 dated 23.04.2022 registered for the
offence under Sections 30(a)(b)(c) of the Bihar Prohibition and
Excise Act.

Recovery is of 160 liters of Mahua wine.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. and the seizure list that nothing has been recovered from the house or conscious possession of the petitioners rather the alleged recovery has been made from the bush. He further submits that the petitioners have no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 01.09.2022 and 21.09.2022, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, Subodh Kora carries four more cases other than the present one out of four, in three cases, he has been on bail and the petitioner, Basudev Kora has been on bail in all three cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Additional District and Sessions Judge-IV -cum- Special Excise Court-1st, Lakhisarai in connection with Chanan P.S. Case No. 62 of 2022 with 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 canceled 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.

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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