

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33826 of 2024

Arising Out of PS. Case No.-458 Year-2022 Thana- SONEPUR District- Saran

1. Dinesh Rai
2. Mithu Rai
Both are Sons of Paras Rai Resident of village- Sabalpur Nawal Tola, P.S.-
Sonpur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shrishti Rani, Advocate
For the Opposite Party/s : Mr.Anil Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-06-2024 Heard Ms.Shrishti Rani, learned counsel for the
petitioners and Mr.Anil Kumar, learned A.P.P. for the State.

2. Earlier the petitioners have moved before this Court
for grant of regular bail in Cr. Misc. No.39363 of 2023 which
was dismissed for default for non-compliance of order dated
01.08.2023. Thereafter, the petitioners have filed restoration
application bearing Cr. Misc. No.12705 of 2024 for restoration
of Cr. Misc. No.39363 of 2023 and after hearing the parties, this
Court has been pleased to allow the same vide order dated
23.02.2024 by granting two weeks further time to the petitioners
to remove the defects but due to some technical reasons, the
same was not restored, thereafter, the petitioners have filed the



present bail petition.

3. The petitioners seek bail, who are in custody since 07.09.2022 in connection with Sonpur P.S.Case No.458 of 2022, F.I.R. dated 30.06.2022 registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

4. Recovery is of 60 liters of country made liquor.

5. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Further submits that it appears from 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 Maize field of the petitioners which was situated behind their house and name of the petitioners have been transpired on the basis of the disclosure made by the local Chaukidar and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 07.09.2022.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the FIR and apart from that, the petitioners carry five more cases other than the present



one but fairly submits that out of five cases, the petitioners is on bail in three cases and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

7. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioners, name of the petitioners have been transpired on the basis of the disclosure made by the local Chaukidar and the period of custody, 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 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Sonapur P.S. Case No.458 of 2022, 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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