

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67422 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- BELA District- Sitamarhi

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1. Saroj Kumar Son of Harish Chandra Ray Resident of Village -Hanuman Nagar Ward No 02, Lalbandi Darbar, PS- Sonbarsa, District- Sitamarhi
 2. Santosh Kumar Son of Rashshilal Pandit Resident of Village -Hanuman Nagar Ward No 02, Lalbandi Darbar, PS- Sonbarsa, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate
For the Opposite Party : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Birendra Kumar, the learned counsel for the petitioner and Mr. Anil Kumar, the learned Additional Public Prosecutor for the State.

2. Petitioners seek regular bail who are in custody since 15.08.2024, in connection with Bela P.S. Case No. 193 of 2024, FIR dated 14.08.2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. According to the prosecution case, after receiving secret information that one Scorpio and one Auto carrying illicit liquor were coming towards Malha Tol village, the informant along with other police personnel started vehicle checking at



Malha Tol and during the said vehicle checking, while one person riding Apache motorcycle was being checked, in the meantime, the said Scorpio and one tempo came there and with the help of police personnel, all co-accused persons were apprehended. It is further alleged that 864 litres Nepali sofi wine was recovered from Scorpio vehicle and from the Auto 36 litres of Nepali sofi wine was recovered.

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 from perusal of FIR and seizure list, it appears that altogether 864 litres of Nepali sofi wine has been recovered from the Scorpio in question and 36 litres of Nepali sofi wine has been recovered from the tempo in question. He further submits that as per FIR, it is evident that nothing has been recovered from the conscious possession of the petitioners and petitioners are in custody since 15.08.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedents 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/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Exicse Court-I, Sitamarhi, in connection with **Bela P.S. Case No. 193 of 2024**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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