

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44212 of 2017

Arising Out of PS.Case No. -54 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
MUZAFFARPUR

- =====
1. Ashu Pal, son of Shukh Pal Singh, resident of village- Dabathua, P.S.- Saradana, District- Merath, Uttar Pradesh,
 2. Md. Parvej, son of Md. Irfan, resident of village- Sardana, P.S.- Sardana, District- Merath, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Babita Kumari, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 18-10-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners seek bail in Excise Case No.54 of 2017 instituted for the offence under Section(s) 30(a) of the Bihar Prohibition & Excise Act, 2016.

Prayer of the petitioners for bail was earlier rejected by this Court by order dated 18.04.2017 passed in Cr. Misc. No.11744 of 2017 with direction to expedite trial of the petitioners.

It has been submitted that petitioners are in custody since 30.01.2017.

A report was called for from the Court below which has been received and it appears that after cognizance case is



pending for trial. From the report, it appears that not a single witness has been examined.

Petitioners are the driver and cleaner of the truck.

Taking into consideration the period of custody and also the fact that till date not a single witness has been examined in the lower Court, prayer of the petitioners for grant of bail is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of ₹10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judge, Excise, Muzaffarpur**, in connection with **Excise Case No.54 of 2017**, subject to the condition that (i) both the bailors shall be close relative of the petitioners, (ii) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (iii) petitioners will not tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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