

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19351 of 2018

Arising Out of PS.Case No. -166 Year- 2017 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Niku Son of katar Singh Resident of Village- Rohtak, P.S. Sadar,
District- Rohtak(Hariyana).
 2. Vikram @ Bikram Singh Son of Omvir Resident of village- Pharamana,
P.S. Mahem, District- Rohtak(Hariyana).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
27.12.2018 in connection with Dumariyaghat P.S. Case No.166 of
2017 for offences punishable under Sections 467, 468, 471, 272,
273, 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information the petitioner no. 1, who
was traveling in a Swift Dzire car, 397 liters 275 ml. of foreign



liquor and from the Toyota car of petitioner no. 2 410.58 liters illicit foreign liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case. It is submitted that nothing has been recovered from their conscious possession and are languishing in judicial custody since nearly four months and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that huge consignment of illicit liquor was recovered from the vehicle of the petitioners.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 4th Additional Sessions Judge-cum-Special Judge, Excise Act, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No.166 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close



relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

