

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14247 of 2018

Arising Out of PS.Case No. -18 Year- 2018 Thana -SAHEBPUR KAMAL District- BEGUSARAI
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1. Baudhu Kumar, S/o Sri Ganesh Singh,
2. Vikas Kumar S/o Tuntun Singh,
Both are R/o Village- Iniyar, P.S.- Mufassil (Lakho, O.P.), District-
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur
Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Rajballabh Singh
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
29.01.2018 in connection with Sahebpur Kamal P.S. Case No. 18
of 2018 for offences punishable under Sections 420, 467, 468,
414, 279, 304-A, 304, 120-B of the Indian Penal Code and
Sections 30(a), 32, 27, 41(1) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during patrolling duty they apprehended a truck,
which was carrying rice and 3393.72 litres of foreign liquor was



recovered. One of the co-accused, who tried to flee away from the truck, namely, Mahavir Singh, was apprehended while other co-accused died as the truck fell in a ditch. The apprehended co-accused Mahavir Singh disclosed the name of petitioner no. 1 for whom he was carrying the said articles. Thereafter the Bolero vehicle of the petitioners was intercepted in another place in which five persons were boarding but three of the co-accused, who were named by the petitioners managed to flee away. From the Bolero vehicle 146.40 litres of foreign liquor was recovered, and, 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 the seized illicit liquor was not recovered from their conscious possession. Petitioners undertake to cooperate in the investigation and not to tamper with the evidence and prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of



learned Addl. Sessions Judge-II cum Special Judge, Excise Court, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 18 of 2018, subject to the following conditions :

- (i) 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.
- (ii) 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)

Rajesh/-

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