

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5421 of 2019

Arising Out of PS. Case No.-343 Year-2018 Thana- MASHRAK District- Saran

1. Ashok Kumar, Male, aged about 26 years, S/o Lal Singh R/o Village- Nagla Kewal Nidhauri Road, P.S. and Distt.- Eta (U.P.).
2. Rajnish Kumar @ Ravish Kumar, Male, aged about 30 years, S/o Shobharam Singh R/o Village- Nagla Kewal Nidhauri Road. P.S. and Distt.- Eta (U.P.).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.
For the Opposite Party/s : Mr.Nand Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-03-2019 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in connection with Masrakh @ Mashrak P.S. Case No. 343 of 2018 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 38 and 41 Bihar Prohibition and Excise Act, 2016.

Allegation is recovery of 6200 liters of spirit from a truck which was being driven by the petitioners who were driver and cleaner of the truck.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence.



Petitioners have been falsely implicated in this case. They were not aware that the illicit liquor was loaded on the truck which was driven on the orders of transport agency and said spirit was being transported for making the illicit liquor. Petitioners have no criminal antecedent and are in custody since 09.10.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 6th A.D.J., Saran at Chapra, in connection with Masrakh @ Mashrak P.S. Case No. 343 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioners tampers 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.
- (4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

(S. Kumar, J)

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