

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4334 of 2019

Arising Out of PS. Case No.-313 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

1. Brajendra Kushwaha @ Brajendra s/o Ghasi Ram Kushwaha resident of Village- Hasrua, P.S.- Chikashi, District- Amirpur. (U.P.)
2. Pawan Kumar Kushwaha, s/o Rampal Kushwaha, resident of Nanwara, P.S.- Vilatal, District- Mahoba (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 08-02-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners seek bail in Kochaikote P.S. Case No. 313/2018, registered for the offences punishable under Sections 30(a)(b)(c), 38 and 41(a)(b) of the Bihar Prohibition & Excise Act.

Allegation is of recovery of 864 litres of Indian made foreign liquor from the truck. Petitioners are Driver and Cleaner of the said truck.

It has been submitted on behalf of the petitioners that petitioners were not aware that illicit liquor has been kept in the truck. Petitioners are in custody since 08.10.2018 having clean antecedent.



Considering the facts aforesaid, the petitioners above-named, are directed to 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 the learned Additional District & Sessions Judge II-cum-Special Judge, Gopalganj in connection with Kochaikote P.S. Case No. 313/2018.

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(iii) If the petitioners 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.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial court shall take steps to cancel their bail bond.

(S. Kumar, J)

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