

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14704 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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1. PRAVIN KUMAR @ PRABIN KUMAR, aged about 25 years, Male, Son of Zabin Das @ Jivan Das
 2. Shiv Kumar, aged about 28 years, Male, Son of Ramesh Kumar Sharma, both are Residents of Village - Nagora, P.S.- Aleba, District - Zind (Hariyana)

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioners and the
learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 08.01.2019 in connection with Dumariyaghat P.S. Case No. 6 of 2019 for the offences alleged under Sections 272, 273 and 34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that during the course of vehicle checking a Toyota car was intercepted in which petitioner no. 1 was the driver and petitioner no. 2 was the passenger. On search from the vehicle 150 liters of Indian made foreign liquor was recovered from the back seat of the vehicle. 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 nothing has been recovered from their conscious possession. He submits that the petitioners were just driver and the passenger and the illicit liquor did not belong to them. Petitioners undertake to cooperate in the investigation not to induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that huge quantity of illicit liquor was recovered from the vehicle and the petitioners were apprehended red-handed.

Considering the nature of allegations and the materials on record, let the petitioners, above named be released on bail, **on completion of three months in custody**, on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Dumariyaghat P.S. Case No. 6 of 2019 to the satisfaction of the learned Additional Sessions Judge VII-cum-Special Judge, Excise, East Champaran at Motihari, subject to the following conditions :

(i) One of the bailors of each of the petitioners would



be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(ii) Petitioners will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

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