

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29391 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- HASPURA District- Aurangabad

1. VIKASH KUMAR, aged about 22 years, Male, Son of Raj Mangal Singh @ Raj Mangal Verma Resident of Village - Fateh Ganj, P.S.- Daudnagar, District - Aurangabad (Bihar)
2. Rajeev Kumar, aged about 26 years, Male, Son of Vinod Singh @ Vinod Kumar Resident of Village - Adarsh Nagar, Ward No- 9 (Haspura), P.S.- Daudnagar, District - Aurangabad (Bihar)

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Binod Kumar Pandey, Adv.
For the Opposite Party	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-05-2019

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

The petitioners seek bail in connection with Haspura P.S. Case No. 28 of 2019 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant police personnel, is that a Santro car in which petitioners were seated was searched and from the vehicle about 75 liters of illicit liquor was recovered from the back seat and dicky. 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, they are not owner of the car, but, just driver and co-driver and did not know that illicit liquor was concealed in the car. It is, further, submitted that the petitioners are languishing in judicial custody since 17.03.2019 and



have been sufficiently punished.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Haspura P.S. Case No. 28 of 2019 to the satisfaction of the learned Additional District Judge VII-cum-Special Judge, Excise Act, Aurangabad, or the successor Court, 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) 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 his/their bail bond(s).

(Nilu Agrawal, J)

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