

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.291 of 2019

Arising Out of PS. Case No.-357 Year-2018 Thana- DARIYAPUR District- Saran

1. Mukesh Rai Son of Ramjiwan Rai Resident of Village - Araiya, P.S.- Sahpur Patory, District- Samastipur
2. Yusuf Khan, Son of Munna Khan Resident of Village - House No. 1337, Sant Nagar Old Faridabad, P.S.- Sector 12, Chowki Sector 16, District - Faridabad Haryana

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr. S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 12-03-2019 Heard learned counsel for the parties.

Petitioners seeks bail in a case registered for the offence punishable under Sections 30, 30(a), 38, 41 of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 2557 litres of foreign liquor from a truck which was allegedly being boarded by the accused persons including the petitioners. However, only four persons were apprehended and rest managed to flee away.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. It has further been submitted that petitioner no.1 is driver and



petitioner no.2 is the cleaner of the aforesaid truck and they have nothing to do with the alleged recovered liquor. Similarly placed co-accused Lallan Rai has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.01.2019 passed in Cr. Misc. No.553 of 2019. Petitioners have no criminal antecedent and they are in custody since 04.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dariyapur P.S. Case No.357/2018, with following 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 properly represented on each and every date fixed by the court.

(3) 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.

(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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