

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23218 of 2020

Arising Out of PS. Case No.-111 Year-2020 Thana- GUTHANI District- Siwan

1. Brajesh Tyagi @ Brijesh Tyagi, aged about 35 years, gender Male S/O Jagdish Prasad Tyagi @ Jagdish Resident of Village-Maloni Khurd, Police Station-Kalori, District-Dhaulpur (Rajasthan).
2. Rakesh Kumar, aged about 25 years, Gender Male, S/o Mahta Prasad Resident of Village-Haidalpur, Police Station-Kalori, District-Dhaulpur (Rajasthan).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2020 Heard learned counsel for the petitioners and the State through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under Section 420 and other allied sections of the Indian Penal Code and section 30a and other allied sections of the Bihar Prohibition and Excise Act.

Total 6177 liters of foreign liquor has been recovered from a truck to which petitioner no. 1 was the driver and petitioner no.2 was the assistant driver.

Learned counsel appearing for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners and they have nothing to do with the alleged recovery as they were not aware of the consignment being transported by the truck in question. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not been followed. Charge sheet has also been filed in the case. Petitioners have got no criminal antecedent and they are in custody since 7.6.2020.



Considering the facts of the case, let the petitioners, above named, be released 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 Additional Sessions Judge II, Excise cases, Gopalganj in Guthani Police Station Case No. 111 of 2020, on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

