

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15579 of 2021

Arising Out of PS. Case No.-193 Year-2020 Thana- PURAINI District- Madhepura

1. RISHU SINGH S/o Lalit Singh R/o village- Jitapur Ward No. 8, P.S.- Murligang, District- Madhepura
2. Durgesh Kumar S/o Arbind Ram R/o village- Jitapur Ward No. 8, P.S.- Murligang, District- Madhepura

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Dinesh Prasad Verma, Advocate
For the Opposite Party : Mr. Choubey Jawahar A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-07-2021 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 30a of the Bihar Prohibition and Excise Act.

Prosecution's case, in brief, is that total 331.590 liters of foreign liquor was recovered from the TATA 407 vehicle and petitioners were arrested on the spot.



Learned counsel appearing for the petitioners submit that the petitioners are neither drivers nor owner of the said vehicle. Nothing incriminating has been recovered from the possession of the petitioners and they have nothing to do with the alleged recovery. Petitioners have got no criminal antecedent and they are in custody since 12.11.2020.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that petitioners have got clean antecedent and they are in custody since 12.11.2020, 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 Special Judge, Excise Act Madhepura in Excise case no. 863 of 2020, Puraini Police Station Case No. 193 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)

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