

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22790 of 2021

Arising Out of PS. Case No.-315 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

1. GAMA RAY SON OF KAMAL RAY R/O VILLAGE- GORHARI, P.S- HAYAGHAT, DIST- SAMASTIPUR
2. SUDDU KUMAR SON OF MAHADEO RAY R/O VILLAGE- GOERANA BAGWANPUR, P.S- KALYANPUR, DIST- SAMASTIPUR

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dshirendra Kumar Trivedi, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-11-2021 Heard Sri Dshirendra Kumar Trivedi, learned counsel appearing on behalf of the petitioners and Mr. Akbar Ali, learned A.P.P. appearing for the State.

The petitioners seek bail in connection with Bochahan P.S. Case No. 315 of 2020, for the offence under Section 272, 273 and 120(B) of the Indian Penal Code and Section 30(a) and 32(ii) of the Bihar Prohibition and Excise Act, 2016.

The petitioners have been named by another co-accused that they were found sitting in the vehicle from which huge quantity of illicit liquor has been seized.

Learned counsel appearing on behalf of petitioners submits that nothing has been recovered from the conscious possession of the petitioners and petitioners have no concerned with the alleged vehicle. He further submits that



petitioners are languishing in custody since 19.11.2020 and as such they deserve to be released on bail.

Learned A.P.P for the State, however, opposes the prayer for grant of bail of the petitioners and submits that the complicity of the petitioners in commission of the said offence cannot be ruled out taking into consideration a huge quantity of illicit liquor has been recovered and as such petitioners do not deserve bail.

Having considered the facts and circumstances of the case and from the perusal of the F.I.R./seizure list, it appears that nothing has been recovered from the conscious possession of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Bochahan P.S. Case No. 315 of 2020 subject to the 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 tampers 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 offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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