

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20391 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- CHANDAN District- Banka

1. Kuldip Das Son Of Ruplal Das Resident Of Village- Kaljhar, Police Station- Katoria, District- Banka
2. Ashok Ray Son Of Late Ganesh Ray Resident Of Village- Telbhanga, Police Station- Katoria, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 13-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Special Excise Case No. 19 of 2021, arising out of Chandan P.S. Case No. 4 of 2021, registered for the offence under Section 56(D) of Bihar Prohibition and Excise Act and Section/Rule 3 of the Mahua Flower Rules.

2250 kg of *Mahua* flowers has been recovered from a pick-up van, of which, petitioner no. 1 is driver and petitioner no. 2 is cleaner.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of the petitioners. Petitioners were not aware about the nature of consignment and were simply driving the vehicle on the instruction of owner. Petitioners claim clean antecedent and are



in custody since 08.01.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioners is allowed. Let the above named petitioners 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 learned Additional District Judge-II, Banka in connection with Special Excise Case No. 19 of 2021, arising out of Chandan P.S. Case No. 4 of 2021, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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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