

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20214 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

1. SANDIP SON OF RAMDIYA R/O SAINIPURA, P.S- GUHANA, DIST-SONIPAT (HARYANA)
2. SANJAY SON OF RAMKISHUN R/O WARD NO 10 DARIYAPUR COLONY, P.S- GUHANA, DIST- SONIPAT (HARYANA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Manoj Kumar 1,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-07-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P for the State.

The petitioners seek bail in Kuchaikote P.S. Case No. 35 of 2021, registered for the offence punishable punishable under Sections 120(b)/420 of the Indian Penal Code and sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, this petitioner along with other accused persons were arrested on the spot with one



Ambulance and upon search, 483.780 litres of foreign liquor has been recovered.

It is submitted that Petitioner no. 1 is the Driver of seized vehicle and petitioner no. 2 is Cleaner. No recovery has been made from conscious possession of petitioners and they have got no concern with the seized liquor. Petitioners claim clean antecedent and they are in custody since 21.01.2021 having no criminal antecedent, as stated in para 3 of the petition.

Considering the period of custody and having clean antecedent, the petitioners above-named, are directed to be enlarged 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 learned Additional District and Sessions Judge-2nd-cum-Special Judge Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 35 of 2021, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.



(ii) 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.

(Prabhat Kumar Singh, J)

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