

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21854 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- PHULWARIYA District- Gopalganj

1. MUNCHUN KUMAR S/O FULDEV SHARMA R/o village- Jafarabad Khajoha Chak @ Saidpur, P.S.- Lalganj, District- Vaishali
2. KUMOD KUMAR S/o Lala Paswan R/o village- Jafarabad Khajoha Chak @ Saidpur, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh

For the Opposite Party/s : Mr. Choubey Jawahar,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-07-2021 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 Phulwariya P.S. Case No. 277 of 2020, registered for the offence punishable punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, petitioner no. 1 who is Khalasi and petitioner no. 2 driver were arrested on the spot with seized Bolero vehicle and upon search 397.44 litres of



foreign liquor has been recovered from the said vehicle.

It is submitted that no recovery has been made from conscious possession of petitioners. Petitioners were simply driving the vehicle and were not aware about the nature of consignment and they have got no concern with the seized liquor. Petitioners are in custody since 18.11.2020 having no criminal antecedent.

Considering the fact that petitioners claim clean antecedent and the period of custody, 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 Sessions Judge-II-cum-Special Court, Gopalganj in connection with Phulwariya P.S. Case No. 277 of 2020, 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)

vinita/-

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

