

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22039 of 2021

Arising Out of PS. Case No.-252 Year-2020 Thana- KATORIYA District- Banka

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1. KAMLESH RAM Son of Dinesh Ram @ Dinesh Mochi Resident of Village- Rajwara, P.S.- Khanpur, District- Samastipur.
 2. Md. Shahid Raja Son of Late Md. Shamim Resident of Village- Khairi, Tola-Gangauli, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-07-2021 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 Katoriya P.S. Case No. 252 of 2020, registered for the offence punishable punishable under Section 30(a) and 56(d) of the Bihar Prohibition and Excise Act, 2016.

903.78 litres of foreign liquor has been recovered from a pickup van and these petitioners were occupants of the said van.

It is submitted that no recovery has been made from



conscious possession of petitioners. Petitioner no. 1 is Khalasi and petitioner no. 2 is Driver they were simply driving the vehicle and not aware about the nature of consignment. Petitioners are in custody since 08.12.2020 having no criminal antecedent, as stated in para 3 of the petition.

Considering the period of custody and the fact that petitioners claim 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 II-cum-Special Judge (Excise Act), Banka in connection with Katoriya P.S. Case No. 252 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)

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