

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26434 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. AKHILESH KUMAR Son of Late Lal Babu Ray Resident of Village- Gauriya Asthan Likan Tola, P.S.- Maner, District- Patna.
 2. Rahul Kumar Son of Sadhu Yadav Resident of Village- Bokaro Steel City-4, Pilgadiya Khatal, P.S.- Sector-4, District- Bokaro (Jharkhand).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2021 Heard learned counsel for the petitioners and the State
through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under Section 30a/56(b) of the Bihar Prohibition and Excise Act.

Prosecution's case, in brief, is that 288 liters of foreign liquor was recovered from a Bolero vehicle and petitioners being occupants of the said vehicle were arrested on the spot.

Learned counsel appearing for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. Nothing incriminating has been recovered from the possession of the petitioners and they have nothing to do with the alleged recovery as the petitioners were merely co-passengers of the vehicle as they were not aware of the nature of consignment loaded on the vehicle. Petitioners



have got no criminal antecedent and they are in custody since 19.1.2021.

Considering the facts of the case, let the petitioners, above named, 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 the Additional Sessions Judge II cum Special Judge, Excise Act, Gaya in Excise case no. 34 of 2021 on the following conditions:-

(1) 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 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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