

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26123 of 2021

Arising Out of PS. Case No.-13 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. Rajesh Kumar S/O Gholti Yadav R/o village- Naya Tola, P.O.- Mirjapur, P.S.- Madhusudanpur, District- Bhagalpur
 2. Brajesh Kumar S/o Mangal Yadav R/o village- Nath Nagar, P.S.- Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Smt Sangita Sharma A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Excise Case No. 13 of 2021, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

357 liters & 555 ml. of Indian made foreign liquor has been recovered from a pick-up van and these petitioners, who were occupants of the vehicle, were arrested on spot.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of the petitioners. Petitioners are neither owner nor driver of the said pick-up van. Petitioners claim clean antecedent and they are in



custody since 23.01.2021.

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 ADJ – II cum Special Judge, Excise Act, Banka in connection with Excise Case No. 13 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-bonds 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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