

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30352 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

1. Tribhuwan Rai Son Of Late Jodha Rai R/O Village- Ramnagar, P.S.- Muffasil, District- Saran.
2. Ram Babu Rai @ Bhera Rai @ Bhera Son Of Tribhuwan Rai R/O Village- Ramnagar, P.S.- Muffasil, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 21-08-2021 Heard learned counsel for the petitioners and the State through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under sections 272,273/34 of the Indian Penal Code and Section 30a of the Bihar Prohibition and Excise Act.

Prosecution's case, in brief, is that 170 liters of country made liquor was recovered from the Palani of the petitioners.

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 same has been made as Palani which is a open place accessible to all. They are in custody since 2.2.2021. Charge sheet has already been submitted.



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, Saran at Chapra in Chapra Muffasil Police Station Case No. 42 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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