

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34996 of 2021**

Arising Out of PS. Case No.-74 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Krishna Kumar Son of Roop Nandan Ray Resident of Village - Motipur, P.S.- Motipur, Distt.- Muzaffarpur.
 2. Rajesh Kumar Son of Late Mishri Lal Ray Resident of Village - Motipur, P.S.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Satyendra Nr. Singh

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

4. 28-09-2021 In this case, supplementary affidavit has been filed and it is stated therein that in paragraph – 1 of the bail petition, in place of **learned Special Judge, Gopalganj**, it has wrongly been typed as learned Special Judge Excise, Muzaffarpur. Similarly, in prayer portion, in place of **Excise Case No. 74 of 2021**, it has wrongly been typed as Excise Case No. 46 of 202a.

Heard learned counsel for the parties.

The petitioners seek bail in Excise Case No. 74 of 2021, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

164 liters & 160 ml. of illicit foreign liquor has been recovered from a Mahindra Car and these petitioners were



occupants of the vehicle and were arrested on the 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 vehicle, from which, alleged recovery has been effected. Petitioners have got clean antecedent and are in custody since 10.03.2021. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation, period of custody and clean antecedent of the petitioners, 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 Additional District & Sessions Judge II cum Special Judge, Gopalganj in connection with Excise Case No. 74 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-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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