

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35708 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- AHYAPUR District- Muzaffarpur

1. Mahesh Chandra Sharma Son of Late Ram Lal Sharma (Truck Driver), Resident of Village - Ambala, Ward no. - 1, P.S.- Ambala, District - Barailly (U.P.)
2. Chhotan Khan @ Tuntun Khan @ Chutun Khan Son of Rashan Khan (Truck owner), Resident of Village - Ambala, Ward no. - 1, P.S.- Ambala, District - Barailly (U.P.)

... .. Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-09-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Sections 30a/36/41 of the Bihar Prohibition and Excise Act and section 420 and other allied sections of the Indian Penal Code.

As per the prosecution case, 1782.16 liters of wine was recovered from the truck. Car and a motorcycle. Petitioners were arrested on the spot.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No incriminating material has been recovered from their conscious possession and they are no way concerned with the alleged recovery. Petitioners claim clean antecedent and they are in custody since 27.1.2021. Investigation is complete. Similarly situated co-accused has



already been allowed bail by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 31253/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, 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 Special Judge, Excise Act, Muzaffarpur in Ahiyapur Police Station Case No. 60/2021 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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