

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34813 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- JAGDISHPUR District- Bhojpur

1. NITESH KUMAR Son of Ashok Prasad R/o Naktauli, P.S.- Dawath, Dist.- Rohtas.
2. Chandan Paswan Son of Banshidhar Paswan R/o Gidha, P.S.- Dawath, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 304 liters of country made liquor has been recovered from a Tata Pick up vehicle and these petitioners were arrested on the spot.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioners. It is stated in paragraph 3 of the bail petition that although petitioner No.1 has got one criminal antecedent but he is on bail in that case and petitioner No.2 has got no criminal antecedent and they are in custody since 26.03.2021 and investigation in this case is complete.



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

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-IV-cum- Special Judge, Excise Act, Bhojpur, Ara in connection with Excise Case No. 664/2021, arising out of Jagdishpur PS case No. 114/2021, on the following conditions:-

(1) Petitioner 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 his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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