

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34889 of 2021

Arising Out of PS. Case No.-109 Year-2021 Thana- KATEYA District- Gopalganj

1. Dharmbir Bairagi @ Kalu @ Nata Son of Ramfal Bairagi Resident of Village- Rohtak New Vijay Nagar, P.s.- Shivaji Colony, District- Rohtak, State- Haryana.
2. Sachon Joshi Pandit @ Sachin Joshi Son Of Ravindra Kumar Pandit Resident of Village- Rohtak New Vijay Nagar, P.s.- Shivaji Colony, District- Rohtak, State- Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Opposite Party/s : Mr.Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Kateya P.S. Case No. 109
of 2021, registered for the offence punishable punishable under
Sections 420, 467, 468, 414/34 of the Indian Penal Code and
section 30(a) of the Bihar Prohibition and Excise Act, 2018.

307.5 litres of foreign liquor has been recovered from
Safari Car and this petitioner being driver along with co-accused
Sachin Joshi Pandit were apprehended on the spot.

It is submitted that no recovery has been made from



conscious possession of the petitioners. Petitioner no. 1 was simply driving the vehicle and was not aware about the nature of consignment. Petitioners have no concern with the seized liquor. Petitioners are in custody since 25.03.2021 having no criminal antecedent, as stated in para 3 of the petition. Investigation is complete.

Considering the period of custody coupled with the fact that petitioners bear clean antecedent, the petitioners above-named, are directed to be enlarged 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 learned Additional District & Sessions Judge II, Gopalganj in connection with Kateya P.S. Case No. 109 of 2021, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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