

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39009 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. MUBARIK Son of Magara Resident of Village - Udaka, P.S.- Kama, District - Bharatpur (Rajasthan).
2. Bishnu Chaudhary Son of Chali Ram Chaudhary Resident of Village - Mahender Nagar, P.S.- Jiwarka, District - Kanchanpur (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-10-2021 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 Saraiya P.S. Case No. 112
of 2021, registered for the offence punishable punishable under
Sections 272, 273 and 34 of the Indian Penal Code and section
30(a) of the Bihar Prohibition and Excise Act.

1695.600 litres of foreign liquor has been recovered
from a truck of which these petitioners were driver and cleaner.

It is submitted that no recovery has been made from
conscious possession of the petitioners. Petitioners were simply



driving the vehicle at the instruction of owner and were not aware about the nature of consignment. Petitioners are in custody since 09.02.2021 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 Special Judge Excise, Muzaffarpur in connection with Saraiya P.S. Case No. 112 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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