

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39616 of 2021

Arising Out of PS. Case No.-298 Year-2021 Thana- KANTI District- Muzaffarpur

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1. Bablu Khan S/O Sunhari Lal R/O Village- Radoee, P.S.-Daud Baldev, District-Mathura (Uttar Pradesh)
 2. Madhusudan Sharma S/O Vishnudatt Sharma R/O Village-Yamuna Vihar, P.S-Bhajanpura, District-East Delhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Ms.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 05-10-2021 Heard learned counsel for the parties.

The petitioners seek bail in Kanti P.S. Case No. 298 of 2021, G.R. No. 793 of 2021, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

698 liters & 400 ml. of foreign liquor has been recovered from a bus and these petitioners, being driver and cleaner respectively of the bus, were arrested on the spot.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of the petitioners. Recovery has been made from a bus, on which, several passengers were travelling and petitioners, being driver and cleaner of the bus respectively, were unaware about the nature of consignment, which was being transported on the bus. Petitioners have clean antecedent and they are in custody since



18.04.2021.

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

Considering the nature of allegation, clean antecedent and period of custody, 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 Special Judge, Excise Act, Muzaffarpur in connection with Kanti P.S. Case No. 298 of 2021, G.R. No. 793 of 2021, on the following conditions:

“(1) One of the bailor will be local resident of the area, having immovable property in the jurisdiction.

(2) 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.

(3) 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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