

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40769 of 2021

Arising Out of PS. Case No.-272 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. VIVEK KUMAR S/O AKHILESH YADAV R/O VILLAGE-AJARKABE HASAULI, P.S-MUFFASIL, DISTRICT- AURANGABAD
2. PRADEEP KUMAR S/O SANJAY YADAV R/O VILLAGE BHAWAR BIGHA, PS- MUFFASIL, DISTRICT-AURANGABAD
3. ALOK KUMAR S/O LALLAN YADAV R/O VILLAGE-JAMHORE, PS- JAMHORE, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 420, 467, 468, 471, 120(B) of the Indian Penal Code and under Section 30 (a), 34, 36, 41(i) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 4575 liters of foreign liquor has been recovered from a truck and these petitioners and three other accused persons, who were following the truck, along with driver of truck were apprehended 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 and they are no way concerned with the alleged recovery. Petitioners are neither owner nor driver of the truck. Petitioners claim clean antecedent and are in custody since 21.05.2021 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-II-cum- Special Judge, Excise Act, Aurangabad in connection with Daudnagar PS case No. 272/2021 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 his/ her absence on two consecutive dates without sufficient reason, his/her 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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