

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41430 of 2021

Arising Out of PS. Case No.-246 Year-2020 Thana- DAGARUA District- Purnia

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1. Sushil Sah @ Saha S/O Baijnath Sah R/O Village-Bhanu Nagar, P.S.- Bhakti Nagar, District- Darjeeling (W.B).
 2. Vishal Boss @ Vishal S/O Nirmal Boss R/O Village-Netajee Pali, P.S.- Koribari, District- Darjeeling (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mrs. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Dagarua P.S. Case No. 246 of 2020, corresponding to Special Excise Case No. 638 of 2020, registered for the offence under Section 272/273 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act.

1267 liters & 125 ml. of foreign liquor has been recovered from a truck, of which, petitioner no. 2 is owner and has been named in the F.I.R., whereas, name of petitioner no. 1 has come during course of investigation.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of the petitioners. Petitioners are in custody since 24.02.2021. Investigation is complete.



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

Considering the nature of allegation 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), Purnea in connection with Dagarua P.S. Case No. 246 of 2020, corresponding to Special Excise Case No. 638 of 2020, on the following conditions:

“(1) 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.

(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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