

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40492 of 2020

Arising Out of PS. Case No.-370 Year-2020 Thana- KOILWAR District- Bhojpur

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1. RAM AWADHESH RAI, Son of Late Chandra Bansh Rai, Resident of Village -Barka Chand, P.S.- Koilwar, Distt.- Bhojpur.
 2. Raushan Kumar @ Titoli, Son of Ram Awdhesh Rai, Resident of Village -Barka Chand, P.S.- Koilwar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-02-2021 Heard both parties.

The petitioners seek bail in Excise Case No. 1204/2020, arising out of Koilwar P.S. Case No. 370/2020 registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

As per prosecution case, 120 litres of country made liquor has been recovered from a motorcycle and co-accused Kamendra Kumar Yadav was apprehended on the spot who disclosed the name of petitioners.

It is submitted that nothing has been recovered from the conscious possession of petitioners. Petitioners are neither



owner of the recovered motorcycle nor the seized liquor belong to them. Petitioners have got clean antecedent. They are in custody since 03.09.2020.

Considering the nature of allegation, the petitioners, above-named, is 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 Sessions Judge-cum-Special Judge, Excise, Bhojpur at Ara, subject to the 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 tampers 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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