

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4167 of 2021**

Arising Out of PS. Case No.-240 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gopalganj

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1. TERASH PANDIT S/o Jatu Pandit R/o village- Shambhu Bhatwaliya (Khokhara Rajpur), P.S.- Kalyanpur, District- East Champaran
  2. KUNDAN KUMAR S/o Parmanand Ram R/o village- Rajpur, P.S.- Kalyanpur, District- East Champaran (Motihari)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Uday Pratap Singh  
For the Opposite Party/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      18-03-2021                      Heard learned counsel for the petitioners and learned  
A.P.P for the State.

The petitioners seek bail in Excise Case No. 240 of 2020, registered for the offence punishable punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

88.245 litres of foreign liquor has been recovered from Tempo and petitioner no. 1 being driver and petitioner no. 2 is his associate were apprehended on the spot.

It is submitted that no recovery has been made from conscious possession of these petitioners. Petitioners are neither owner nor driver of the vehicle in question and are not aware about the nature of consignment. Petitioners have no concern with the seized liquor. Petitioners are in custody since



07.09.2020 having no criminal antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

Considering the fact that no recovery has been made from conscious possession of petitioners and 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 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge Excise, Gopalganj in connection with Excise Case No. 240 of 2020, 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 bonds 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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