

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40649 of 2020

Arising Out of PS. Case No.-238 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Tuntun Singh S/o Late Birendra Singh Resident of Village- Chapiya Ward No.14, P.S.- Masharakh, Distt- Saran
 2. SANTOSH SINGH S/o Saroj Singh R/o Village- Chapiya Ward No.21, P.S.- Masharakh, Distt- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-02-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody since 07.09.2020 in connection with Excise Case No. 238/2020 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, On search, 196.20 litres of illegal wine was recovered from the Bolero vehicle and the petitioners were arrested on the spot along with Bolero vehicle.

It is submitted on behalf of the petitioners that petitioner No. 1 is the driver of the aforesaid Bolero vehicle and he had no knowledge as to what is being carried by the owner of the vehicle whereas petitioner No. 2 is the neither the owner nor the



driver of the vehicle in question. Petitioners have got no criminal antecedents and they are in custody since 07.09.2020.

Considering the aforesaid facts and circumstances, the bail petition of the petitioners is allowed. Let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Gopalganj, in connection with Excise Case No. 238/2020, subject to 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 on their absence on two consecutive dates without sufficient reason, their bail-bonds shall be cancelled by the Court below.

(2) If the petitioners tempers 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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