

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3021 of 2021

Arising Out of PS. Case No.-290 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

1. MUKHLAL SINGH S/o Jagdish Singh Resident of Vill.- Kakarachak, Ward No. 1, P.S.- Bochahan, Distt.- Muzaffarpur.
2. Santosh Kumar S/o Ramchandra Rajak Resident of Vill.- Balughat (Akharghat), P.S.- Town, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-03-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Bochahan P.S. Case No. 290 of 2020, registered for the offence punishable punishable under Sections 272, 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

54 litres of foreign liquor has been recovered from a tempo and petitioner no. 1 is owner-cum-driver and petitioner no. 2 is Khalasi of the said tempo who were apprehended on the spot.

It is submitted that no recovery has been made from conscious possession of the petitioners. Petitioners have no knowledge about the liquor since the same were kept in the Tin



of Mustard Oil and they were simply carrying the same. Petitioners are in custody since 24.10.2020 and bear clean antecedent. Chargesheet has already been submitted.

Considering the fact that no recovery has been made from conscious possession and petitioners 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 Special Judge Excise, Muzaffarpur in connection with Bochahan P.S. Case No. 290 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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