

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2878 of 2021

Arising Out of PS. Case No.-629 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. SUJEET KUMAR S/o Ramashankar Mishra R/o village- Bishunpur Baghnagri, P.S.- Sakra, District- Muzaffarpur, Bihar
 2. NIRANJAN KUMAR @ MUNNA S/o Devendra Ray R/o village- Malikaur, P.S.- Pusa, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh
For the Opposite Party/s : Mr. Ganesh Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-03-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody since 12.10.2020 in connection with Kanti (Panapur) P.S. Case No. 629/2020 registered for the offences punishable under 30(a) of the Bihar Prohibition and Excise Act and Section 272/273/414/34 of the Indian Penal Code and Section 25(1-b)a, 26 of the Arms Act.

As per the prosecution case, 45 litres of foreign liquor has been recovered from the Honda City Car and 2263.800 has been recovered from the truck. Petitioners were caught on spot while petitioner No. 1 was travelling in car and petitioner No. 2 was travelling in truck.

It is submitted on behalf of the petitioners that nothing



has been recovered from the possession of the petitioners. Petitioners are neither the owner nor the driver of the vehicles in question and were not aware about the nature of consignment and were simply the passengers. Chargesheet has already been submitted in this case. Petitioners are in custody since 12.10.2020. Petitioner No. 1 has got one criminal antecedent of similar nature whereas as petitioner No. 2 bears clean antecedents.

Considering the aforesaid facts and circumstances and that no recovery has been made from the possession of these petitioners and charges-sheet has also been filed in this case, 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 Special Judge, Excise, Muzaffarpur, in connection with Kanti (Panapur) P.S. Case No. 629/2020, 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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