

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9688 of 2021

Arising Out of PS. Case No.-321 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. MITHU KUMAR SON OF KOASHAL SINGH resident of VILLAGE-
BADKA GAWN, P.S.- PAKARIDYAL, DISTRICT- EAST CHAMPARAN.
 2. SUNIL SINGH SON OF LATE PRABHUNATH SINGH RESIDENT OF
VILLAGE- AAZGARI, P.S.- PAKARIDYAL, DISTRICT- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr.Gauri Shankar Prasad Gupta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-05-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Excise Case No. 321 of
2020, registered for the offence punishable punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, these petitioners were
apprehended with Alto Car and upon search, 130.140 litres of
foreign liquor has been recovered from the Alto Car.

It is submitted that petitioners have falsely been
implicated in this case. Nothing has been recovered from



conscious possession of these petitioners. The provision of section 100 Cr.P.C has not been followed. Petitioners are in custody since 12.11.2020 and bear clean antecedent, as stated in para 3 of the petition.

Considering the facts and circumstances of the case, 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 Additional District and Sessions Judge II-cum-Special Judge, Gopalganj in connection with Excise Case No. 321 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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