

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4411 of 2022

Arising Out of PS. Case No.-602 Year-2021 Thana- MAHUA District- Vaishali

1. DIPAK KUMAR Son of Raghunath Singh Resident of Village - Gauspur, Bariyarpur, P.S. - Rajapakar, Dist. - Vaishali.
2. Mintu Singh @ Mintu Kumar Son of Ram Surat Singh Resident of Village - Karhaniya, P.S. - Mahua, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioners seek bail in connection with Mahua P.S. Case No. 602/2021 registered for the offences punishable under Sections 30(a)/ 32/41/52 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the petitioners alongwith other accused persons are involved in the trade of illegal liquor and they have brought the consignment thereof on a Maruti Car. On search there is recovery of total 214



liters of foreign liquor from the Maruti Car. The petitioner no.1 was apprehended on the spot and he disclosed the name of petitioner no.2.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case merely on suspicion. As per FIR, nothing has been recovered from the conscious possession / house of the petitioners. He further submits that the petitioners have no concern to the alleged recovered/seized wine and Maruti Car. The petitioners neither owner nor driver of the alleged seized Maruti Car. The said Maruti Car has been seized by the police from the side of canal, not from the house of petitioner no.2 and the seizure list has not been made as per law. He further submits that petitioner no.1 is in custody since 30.09.2021 and petitioner no.2 is in custody since 16.11.2021. Petitioner no.1 bears no criminal antecedent and petitioner no.2 bears criminal antecedent of two cases of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as



well as period of custody and taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-II, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 602/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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