

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4358 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. SANJIV RAI Son of Ramchandra Rai Resident of Village- Patrapur Harihar,
P.S.- Sakra, District- Muzaffarpur.
 2. Ramishwar Rai Son of Vijendra Rai Resident of Village- Govindpur, Bela,
P.S.- Beligawn, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, 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 I.A.
No.01/2021 arising out of Excise Case No. 305/2021 registered
for the offences punishable under Sections 30 (a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that total 621
liters of foreign liquor has been recovered from the vehicle in
question.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioner is neither owner nor driver of the said vehicle and they have no knowledge about what thing is kept in the vehicle. As per FIR, petitioners are as a passenger of the aforesaid seized vehicle. He further submits that the petitioners are in custody since 03.11.2021 and petitioners bears no criminal antecedent. 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 keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge Excise, Gaya, in connection with I.A. No. 01/2021, arising out of Excise Case No. 305/2021, 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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