

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10734 of 2022**

Arising Out of PS. Case No.-107 Year-2021 Thana- BALIGAON District- Vaishali

1. Jogendra Kumar Son of Late Basdev R/O Village- Shekhpura Suana, P.S.- Karnal, District- Karnal, Haryana
2. Sandeep Son of Rampal R/O Village- Jundala, P.S.- Karnal, District- Karnal, Haryana.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Atul Shankar, Adv.

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      01-07-2022                      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 through virtual mode.

The petitioners seek bail in connection with Baligaon P.S. Case No. 107/2021 registered for the offences punishable under Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 4896 liters of foreign liquor from truck. The petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. Petitioner no.1 is driver and petitioner no.2 is Khalasi of the vehicle in question and petitioners were apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 31.08.2021 and the petitioners bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence.

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

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted 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. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1 cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 107/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has 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)**

amitkumar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

