

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10741 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- AMBA District- Aurangabad

1. RAJA KUMAR S/O BHOLA SAHNI @ BHOLA CHAUDHARY R/o village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.
2. Akhilesh Kumar S/o Motilal Sahani R/o village- Tikaliya, P.S.- Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

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 Amba P.S. Case No. 149/2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of total 2541.600 liters of english wine from Truck. The petitioners were apprehended from the truck in question.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioners. The petitioner no.1 is driver and the petitioner no.2 is cleaner of the vehicle in question. It is also apparent from the FIR, the petitioners has no knowledge about the goods which were loaded on the truck in question. The petitioners are languishing in custody since 22.09.2021 and petitioner no.1 bears criminal antecedent of two cases which are not of similar nature and petitioner no. 2 bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the 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, period of custody, charge sheet has already been submitted and also 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 A.D.J.-1st cum Special Judge, Aurangabad, in connection with Amba P.S. Case No. 149/2021, 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)

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