

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12408 of 2022

Arising Out of PS. Case No.-574 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

1. RAGHVIR REDDU S/o Late Risal Singh,
2. Dayanand S/o Rajkaran
Both R/o village- Nigna Khurd, P.S.- Tosam, District- Bhivani, State
Hariyana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Patel

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 3 08-07-2022 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.

The petitioners seek bail in connection with Mohania
P.S. Case No. 574/2021 registered for the offences punishable
under Sections 420/467/468/471/34 of the Indian Penal Code
and Sections 30(a)/36/41(1) of the Bihar Prohibition and Excise
(Amendment) Act.

As per prosecution case, there is alleged recovery of
total 2538 liters wine from the truck in question and the
petitioners were apprehended from the place of occurrence.



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. He further submits that the petitioners are driver and Khalasi of the truck in question and from perusal of the FIR only Sections of Excise Act are made out. No any independent witness are present in seizure list and seizure list has not been made as per law. The petitioners are languishing in custody since 19.12.2021 and 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Kaimur at Bhabua in connection with Mohania P.S. Case No. 574/2021, 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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