

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11931 of 2022

Arising Out of PS. Case No.-75 Year-2021 Thana- SALAIYA District- Aurangabad

1. SURAJ KUMAR S/o Ratanjay Paswan Resident of Village - Khiriyawa, P.S. - Madanpur, District - Aurangabad.
2. ROHIT KUMAR S/o Upendra Chaudhary Resident of Village - Khiriyawa, P.S. - Madanpur, District - Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 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 in virtual court proceeding.

The petitioners seek bail in connection with Salaiya P.S. Case No. 75 of 2021, G.R. No. 1848/2021 registered for the offences punishable under Sections 30(a), 37 (c) of Bihar Prohibition of Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of 40 litre spirit from the motorcycle in question. It is alleged that said motorcycle was being driven by petitioner no. 1 Suraj Kumar and petitioner no. 2 Rohit Kumar was pillion rider. Both



the petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 20.12.2021 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. Seizure list has not been made as per law. He further submits that petitioners have no concern with the seized spirit or with motorcycle in question.

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, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence 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 1st, Aurangabad in connection with Salaiya P.S. Case No. 75 of 2021, G.R. No. 1848/2021, 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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