

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12400 of 2022

Arising Out of PS. Case No.-641 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. SUJEET KUMAR Son of Rakat Ray,
2. Sunil Kumar Son of Rakat Ray,
Both are Residents of Village- Subhai Naya Tola, P.S.- Hajipur, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

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 through virtual mode.

The petitioners seek bail in connection with Hazipur
P.S. Case No. 641/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery of
total 172.5 liters Beer from the car and the name of petitioners
have been stated by local people.

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 not owner of the car in question and have no concern with the seized liquor. The petitioners are languishing in custody since 16.07.2021 and petitioners bear criminal antecedent of one case of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. The petitioners have not been apprehended on the spot.

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, petitioners were not apprehended on the spot, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hazipur Sadar P.S. Case No. 641/2021, 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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