

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13024 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

1. KAVINDRA RAI S/o Late Shivnath Ray Resident of Village- Sadha, P.S.- Chapra Muffasil, District- Saran at Chapra.
2. Tarkeshwar Ram Son of Jaypal Ram Resident of Village- Hasanpurwa, P.S.- Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Veena Rani Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Chapra Muffasil P.S. Case No. 85 of 2022, for the offence punishable under Section 30(a)(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation is recovery of 120 litres of country made liquor from the Bhathi of the petitioners. The petitioners were apprehended on the spot.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely



been implicated in this case. He further submits that the alleged recovery has been made from Chaur situated far away from the village of the petitioners. The petitioners are innocent and they have been apprehended in this case mere on suspicion as they were present near the alleged Bhathi. He further submits that petitioners belong to different village and their complicity in manufacturing of illicit liquor or its trade is not made out. The petitioners have clean antecedent and they in custody since 30.01.2022 on mere suspicion.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioners on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Taking into consideration the nature of allegation made in the F.I.R., the petitioners were apprehended near the Bhathi. The petitioners belong to two different villages and they have clean antecedent and they have remained in custody since 30.01.2022. The petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Exclusive Special Judge, Excise,



Saran at Chapra in connection with Chapra Muffasil P.S. Case
No. 85 of 2022, subject to the following conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the Court
concerned.

(2) Petitioners shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar
nature of offence, after their release on bail, the trial Court shall
take steps to cancel their bail bonds.

(Purnendu Singh, J)

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