

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15728 of 2022

Arising Out of PS. Case No.-492 Year-2021 Thana- KATEYA District- Gopalganj

1. Mahendra Kushwaha @ Pappu Son Of Brijlal Kushwaha Resident Of Village - Kheraw Kala, P.O.- Umarhi, P.S.- Mahob Cantt., District - Mahoba (U.P.).
2. Sunil Kushwaha Son Of Shankar Kushwaha Resident Of Village - Sarsai, P.S. And District - Hamirpur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defects(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 by virtual mode.

The petitioners seek bail in connection with Kateya P.S. Case No. 492 of 2021 registered for the offences punishable under Sections 30(a), of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 596.850 litre foreign liquor from a white coloured mini truck in question and the petitioners were apprehended by the police from the mini truck.



Learned counsel for the petitioners submits that petitioners are in custody since 14.12.2021 and bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence. Learned counsel for the petitioners further submits that alleged recovery has been made from the mini truck in question and petitioners have no concern with the seized liquor as they were unaware about the loaded material in the truck and names of the petitioners have been falsely implicated in this case due to suspicion.

Learned A.P.P for the State opposes the prayer for the bail of the petitioner.

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 evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional District and Sessions Judge-II-cum Special Judge Excise Court No.- 1, Gopalganj in connection with Keteya P.S.



Case No. 492 of 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 without appropriate permission, 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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