

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18179 of 2022

Arising Out of PS. Case No.-82 Year-2021 Thana- MURLIGANJ District- Madhepura

1. Rajeev Kumar Son Of Late Bhupendra Yadav Resident Of Village - Khari, Ward No.- 14, P.S. - Murliganj, District - Madhepura.
2. Sanjeev Kumar Son Of Late Bhupendra Yadav Resident Of Village - Khari, Ward No.- 14, P.S. - Murliganj, District - Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 Murliganj P.S. Case No. 82 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 125.085 litre foreign liquor from the house of the petitioners and petitioners succeeded in fleeing away from the spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 20.12.2021 and bear one criminal history. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners further submits that petitioners have no concern with the recovered liquor as the straw (Bhusa) house of petitioners which is the property of the joint family is an open area surrounded by metaled road where the liquor was recovered and petitioners have falsely been implicated in this case. They are not apprehended on spot and nothing has been recovered from the physical conscious possession of the petitioners.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioners were not apprehended on the spot and 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 Additional Sessions Judge-II-cum Special Judge,



Excise, Madhepura in connection with Murliganj P.S. Case No. 82 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.

(iv) Petitioners shall state through affidavit at the time of furnishing bail bonds regarding criminal history as stated in para-3 of the bail petition and if it is found untrue, their bail bonds are liable to be canceled by the court below itself.

(Alok Kumar Pandey, J)

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