

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19129 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- DHANSOI District- Buxar

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1. TEJU YADAV @ TEJU SINGH S/o Vishwamitra Singh @ Vishwamitra Yadav,
 2. Vishwamitra Singh @ Vishwamitra Yadav S/o Late Bihori Singh,
Both are resident of Village- Barhuriya, P.S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 3 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.

The petitioners seek bail in connection with Dhansoi P.S. Case No. 28/2022 registered for the offences punishable under Sections 30(a), 37 (2) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 432 liters illegal wine from pick-up van in question. Petitioners were apprehended on the spot.

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 petitioners were taken lift from the driver of pick-up van and as such petitioners did not have knowledge about seized wine. The petitioners are languishing in custody since 08.02.2022. Petitioner no.2 bears no criminal antecedent and petitioner no.1 bears criminal antecedent of two cases in which he is on bail and both cases are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, charge sheet has already been submitted and taking into consideration the material available on record, let the petitioner no.1 above named be released on bail **after framing of charge** and the petitioner no.2 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 Excise Court-1st, Buxar in connection with Dhansoi P.S. Case No.



28/2022, 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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