

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19209 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. KAMLESH GURJAR Son of Parsuram Gurjar Resident of Village - Loharo Ka Mohalla, Mavli, P.S.- Mavli, District - Udaypur, (Rajasthan)
 2. Sohan Singh Rao @ Sohan Singh Son of Resident of Village - Martari Udyapur, P.S.- Mavli, District - Udaypur, (Rajasthan)
 3. Ramesh Bhil Son of Late Partha Gameti Resident of Village - Gameti Basti, Vada Mavli, P.S.- Mavli, District - Udaypur, (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Rai
For the Opposite Party/s : Mrs.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 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 by virtual mode.

The petitioners seek bail in connection with Excise Case No. 38 of 2022, P.R. No. 11/2022 registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition Excise Act.

As per prosecution report, there is alleged recovery of 198.720 litre illicit foreign liquor from Tata Safari vehicle in question. It is alleged that on secret information police party



searched the vehicle in question and petitioners were arrested from the said vehicle along with alleged seized liquor.

Learned counsel for the petitioners submits that petitioners are in custody since 11.01.2022. Petitioners no. 2 and 3 bear no criminal antecedent whereas petitioner no. 1 carries criminal antecedent of one case. Prosecution report has been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that petitioners have falsely been implicated in this case and no incriminating article has been recovered from conscious possession of the petitioners. Petitioners have no concern with the alleged seized liquor. Seizure list has not been made as per law.

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, period of custody, prosecution report has been submitted in the case and there is no likelihood of tampering the prosecution evidence 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 Special Judge (Excise) Court,



Muzaffarpur in connection with Excise Case No. 38 of 2022,
P.R. No. 11/2022, 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 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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