

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20144 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

-
1. PANKAJ KUMAR S/o Lal Babu Singh R/o village- Diliya, P.S.- Tarari, District- Bhojpur, Ara (Bihar).
 2. Om Prakash Kumar S/o Ram Mishra Ram R/o village- Sakla Bazar, P.S.- Karakat, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar

For the Opposite Party/s : Mr.Gulnar Begum

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 Excise Case No. 141/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of total 71.600 liters illicit liquor from Alto Car in question and petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case due to Panchayat rivalry and village politics. The petitioners have neither concerned with the alleged seized liquor nor concerned with the said Alto car in question. Nothing has been recovered from the conscious possession of the petitioners. Seizure list has not been as per law. The petitioners are languishing in custody since 13.02.2022 and bear no criminal antecedent. Prosecution report 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, prosecution report has already been submitted and keeping in view clean antecedent of petitioners 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 Additional District and Sessions Judge-IXth cum Special Judge, Excise Act-IIInd, Aurangabad in connection with Excise Case No. 141/2022, 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)

amitkumar/-

U		T	
---	--	---	--

