

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20438 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. VICKY S/o Vijendra Resident of Village- Kauntha, P.S.- Shivaji Coloney, District- Rohtak (Hariyana)
2. Deepak S/o Ramesh Kumar Resident of Village- Ashoda, P.S.- Linepar, District- Jhajhar (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-06-2022 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 regular bail in connection with Durgawati P.S. Case No. 02 of 2022 registered for the offences punishable under Sections 30(a), 41(1) of Bihar Excise Act.

As per prosecution case, the informant being A.S.I. of Durgawati police station recorded self statement on 02.01.2022 stating therein that he along with other police personnel during raid reached near Pipariya More and apprehended the alleged truck carrying 1303.20 litre foreign



liquor. The petitioners were apprehended at the spot and disclosed that they are driver and co-driver of the alleged truck.

Learned counsel for the petitioners submits that petitioners are in custody since 05.01.2022 and bear no criminal antecedent. He further submits that petitioners are driver and co-driver and they had no knowledge of alleged wine. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that all witnesses are police force and there is no any local and independent witness in this case.

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

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record and keeping in view clean antecedent of petitioners, let the petitioners above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 02 of 2022, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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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