

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21967 of 2022

Arising Out of PS. Case No.-151 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Sudip Kumar Son of Madan Prasad,
 2. Bablu Kumar Son of Late Krishnadev Prasad
Both R/O Village- Pokharpur, P.S.- Dumaria, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 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 bail in connection with Excise
Case No. 151/2022 registered for the offences punishable under
Sections 30(a) and 56 (b) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, total 64.875 liters of
illegal foreign liquor /Beer was recovered from Tempo vehicle.
Petitioner no. 1 was driver and petitioner no. 2 was passenger of
this said vehicle in question. They apprehended on the spot and
seized the liquor and seizure list was prepared.



Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. The petitioners were simple passenger and they have no concern with the seized liquor or the vehicle as the vehicle seized does not belong to the petitioners. The petitioners are in custody since 12.03.2022 petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody 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 Special (Exclusive) Judge, Excise No.3, Gaya in connection with Excise Case No. 151/2022, 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 tampers 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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