

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21544 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. SUBODH KUMAR S/o Dhaneshwar Yadav R/o village- Ribhamala, P.S.- Chatra, District- Chatra (Jharkhand).
 2. Kashi Yadav S/o Prayag Yadav R/o village- Marangi, P.S.- Gighour, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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. 81/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 337.5 liters country made wine from Mahindra Bolero vehicle in question. The petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. The petitioner no.1 is driver and petitioner no.2 is khalasi of the said vehicle respectively and the said vehicle do not belong to the petitioners. Nothing has been recovered from the conscious possession of the petitioners. Seizure list has not been made as per law. The petitioners are languishing in custody since 09.02.2022 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, 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 Exclusive Special Excise Court No.1, Gaya in connection with Excise Case No. 81/2022, 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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