

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21586 of 2022**

Arising Out of PS. Case No.-75 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Nawada

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1. Binod Singh S/O Mahabir Singh Resident of Village - Parariya, P.S. - Sirdalla, District - Nawada.
  2. Upendra Manjhi S/O Sukhdeo Manjhi Resident of Village - Parariya, P.S. - Sirdalla, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      26-07-2022                      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 G.O. Case No.75 of 2021 registered for the offences punishable under Section 30(a) Excise Act.

As per prosecution case, there is alleged recovery of 120 litre illegal Mahua Chulai as well as 3200 kg. fermented Java Mahua from the place of occurrence. Petitioners are apprehend on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 25.01.2022 and bear no criminal history. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners further submits that nothing incriminating has been recovered from the conscious possession of the petitioners and they have been implicated in this case only on the basis of suspicion.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, prosecution report has been submitted in the case and there is no likelihood of tampering with 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 Exclusive Special Excise Court- 2<sup>nd</sup>, Nawada in connection with G.O. Case No.75 of 2021, 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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