

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22241 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- SUPPI District- Sitamarhi

ANIL RAUT Son of Late Dev Narayan Raut Resident of Village Basant
Khurd, P.S. - Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22435 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- SUPPI District- Sitamarhi

UMAKANT MAHTO son of Late Baldeo Mahto Resident of village - Basant
Khurd, P.S. - Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22241 of 2022)

For the Petitioner/s : Mr.Hans Lal Kumar

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

(In CRIMINAL MISCELLANEOUS No. 22435 of 2022)

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-07-2022 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 Shuppi
P.S. Case No. 61/2022 registered for the offences punishable



under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of total 131.7 liters Nepali Saufi from the motorcycle in question and petitioners were apprehended on the place of occurrence.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners have neither concerned with the seized liquor nor concerned with the seized motorcycle in question. The petitioners are languishing in custody since 04.03.2022 and petitioners bear no criminal antecedent. Charge sheet 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, charge sheet 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-I, Sitamarhi/ concerned court in connection with Shuppi P.S. Case No. 61/2022, 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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