

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23169 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- DHANAHHA District- West Champaran

1. Kundan Kumar Son Of Parmanand Yadav @ Parmanand Rai R/O- Vill-Fultakiya, P.S.- Kesharia, District- East Champaran
2. Lavkush Sahani Son Of Surendra Sahani R/O- Vill-Fultakiya, P.S.- Kesharia, District- East Champaran

... .. 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.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 in virtual court proceeding.

The petitioners seek bail in connection with Dhanaha P.S. Case No. 210 of 2021 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Excise Amendment Act 2018.

As per prosecution case, there is alleged recovery of 169.92 litre foreign liquor from tempo in question and petitioners have been apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 05.12.2021 and bear no criminal antecedent. Charge sheet has been submitted in this case and nothing incriminating has been recovered for the conscious possession of the petitioners. It has been further submitted that Petitioner no.1 is the driver and petitioner no. 2 is the co-driver of the seized vehicle and they have no knowledge of recovered liquor. They have been falsely implicated in this case.

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, charge sheet 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagha, West Champaran in connection with Dhanaha P.S. Case No. 210 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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