

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24290 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- CHORAUT District- Sitamarhi

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1. NIGAM KUMAR S/o Ram Lala Prasad R/o village- Gangaur, P.S.- Harlakhi, District- Madhubani
 2. Subodh Kumar S/o Ganesh Mahto R/o village- Gangaur, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.A.G

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.

The petitioners seek bail in connection with Choraut P.S. Case No. 41 of 2022 registered for the offences punishable under Section 414 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, total 52.5 litres Nepali country made Saufi has been recovered from two motorcycles. It is alleged that the petitioners were seated on one motorcycle. The petitioners were apprehended on spot alongwith other co-



accused person.

Learned counsel for the petitioners submits that petitioners are in custody since 04.03.2022. petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the wine was not recovered from the conscious possession of the petitioners. The motorcycle does not belong to the petitioner.

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 there is no likelihood of tampering with the prosecution evidence, 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 – II, Sitamarhi in connection with Choraut P.S. Case No. 41 of 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 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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