

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26728 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- PARIHAR District- Sitamarhi

1. CHANDAN SINGH Son of Late Nagendra Singh Resident of Village - Sisautia, P.S.- Parihar, Distt.- Sitamarhi.
2. Anshu Kumar Son of Lalan Singh Resident of Village - Sisautia, P.S.- Parihar, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 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 Parihar P.S. Case No. 191 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 8.1 litres Nepali Soufi wine from the motorcycle in question. The co-accused Suresh Paswan was apprehended on spot and disclosed that he purchased the recovered wine from the



petitioners and co-accused Vimlesh Kumar. On the said disclosure, the police apprehended co-accused Vimlesh Kumar and 63 litres illicit liquor was recovered which was kept under wood by the side of the road.

Learned counsel for the petitioners submits that petitioners are in custody since 13.11.2021 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners are innocent and they have falsely been 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 Exclusive Special Excise Court No. II, Sitamarhi in connection with Parihar P.S. Case No. 191 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 tampers 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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