

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25926 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- PARSA District- Saran

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1. Kundan Kumar Son Of Sudarshan Ray Resident Of Village- Bhalwahiya Ps- Parsa District- Saran At Chapra
 2. Sudhir Kumar @ Dhari Son Of Shivjee Ray Resident Of Village- Bhalwahiya, P.S- Parsa, Dist- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Anish Chandra, learned counsel for the petitioners as well as Mr. Umeshanand Pandit, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Parsa P. S. Case No. 94 of 2022 registered for the offences punishable under Sections 30 (a) and 41 (i) of the Bihar Prohibition and Excise Act,

As per the prosecution case, it is alleged that the police, on a secret information that at village Bhalwahiya some persons engaged in trade of illicit wine, conducted raid and from



the maze farm altogether 490 litres Indian made foreign liquor was recovered. It is further alleged that the police apprehended both these petitioners from the spot.

Learned counsel appearing on behalf of the petitioners submitted that from the F.I.R. it is evident that the alleged recovery has been made from a maze farm, which does not belong to the petitioners and the same is accessible to all. It is further submitted that there is various other infirmities in preparation of the seizure list and moreover, the petitioners having men of fair antecedent are in custody since 18.04.2022, though after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the Maze farm situated just behind the house of the petitioners from where recovery has been made.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from a maze farm, which was accessible to anyone and the petitioners are in custody since 18.04.2022, though, after completion of investigation, the charge sheet has been submitted and there is no likelihood of



commencement of trial in near future, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court at Saran, Chapra in connection with Parsa P. S. Case No. 94 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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