

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26819 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- MADANPUR District- Aurangabad

1. RAHUL KUMAR SON OF BIRENDRA CHAUHAN RESIDENT OF VILLAGE- KATHWAR TOLA BANGLAPAR, P.S- MADANPUR, DIST- AURANGABAD (BIHAR)
2. SANTOSH KUMAR SON OF JITENDRA RIKIYASAN @ JITENDRA RAM RESIDENT OF VILLAGE- BANGLAPAR, P.S- MADANPUR, DIST- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

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 seeks bail in connection with Madanpur P.S. Case No. 104 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 1222.5 litres country made liquor from the tractor in question and petitioners were apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 10.03.2022 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 were neither the driver nor the owner of the alleged tractor 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 Court of Special Judge, Excise Court (Act), First, Aurangabad, Bihar in connection with Madanpur P.S. Case No. 104 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 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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