

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27303 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- JOKIHAT District- Araria

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1. BHOLA CHOUDHARY S/o Dilip Choudhary R/o village- Rambag, P.S.- Sadar, District- Purnea
 2. Mantu Mahaldar S/o Setu Mahaldar R/o village- Parora, P.S.- K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 Jokihat P.S. Case No. 126 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 318.180 liters foreign liquor from the pickup van in question. The petitioners were caught on the spot being driver and co-driver of the van.

Learned counsel for the petitioners submits that



petitioners are quite innocent. Petitioners have falsely been implicated in this case. The petitioners were no knowledge about liquor, which was kept in cartoon because cartoon was sealed. Nothing have been recovered from the possession of the petitioners. It is submitted that petitioners are in custody since 11.03.2022, petitioners bear no criminal antecedent. Petitioners are apprehended on spot. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Court No.2, Araria, in connection with Jokihat P.S. Case No. 126 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 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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