

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27431 of 2022**

Arising Out of PS. Case No.-46 Year-2022 Thana- BIHTA District- Patna

1. RAMJI KUMAR Son of Binod Rai Resident of Sakaddi, Near Petrol Pump, P.S. - Koilwar, District- Bhojpur.
2. Vishal Kumar Son of shayam Babu Prasad Yadav @ Shayam Babu Yadav Resident of Village - Maudahi, P.S. Bihta, District - Bihta (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Supriya Rani, Advocate.

For the Opposite Party/s : Mr. Upendra Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      05-08-2022                      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 Ms. Supriya Rani, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Bihta P. S. Case No. 46 of 2022 giving rise to Special Case No. 93 of 2022 registered for the offences punishable under Sections 420, 411 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in course of vehicle checking, the Police apprehended two persons,



who were riding on a motorcycle. On search, total 60 litres country made wine was recovered from a plastic bag.

Learned counsel appearing on behalf of the petitioners submitted that in fact, nothing has been recovered from persons or possession of these petitioners and only on account of some altercation, which took place between the police personnel and the petitioners at the time of vehicle checking, the name of the petitioners have been implicated in this case. It is further submitted that the petitioners have neither any concern with the alleged seized motorcycle nor with the recovered wine. It is further submitted that the petitioners are men of fair antecedent and they are in custody since 24.11.2021 and the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that that the petitioners were arrested at the spot.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners have neither any concern with the seized motorcycle nor with the recovered wine and they are in custody since 24.11.2021, having fair antecedent, 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 Special Judge Excise, Danapur in connection with Bihta P. S. Case No. 46 of 2022 giving rise to Special Case No. 93 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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