

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27472 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- MOTIPUR District- Muzaffarpur

1. RAJU SAHNI S/o Late Ramjash Sahni Resident of Madhopur, P.S.- Motipur, District- Muzaffarpur
2. DHIRAJ KUMAR S/o Late Vidyanand Rai R/o village- Gandhi Chowk, P.S.- Motipur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Nitu Kumari, Advocate.

For the Opposite Party/s : Ms. Asha Devi, 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. Nitu Kumari, learned counsel for the petitioners as well as Ms. Asha Devi, 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 Motipur P. S. Case No. 45 of 2022 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) and 41 (1) (2) of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that the Police, on a secret information, that some persons engaged in carrying illicit wine, apprehended a Maruti Suzuki Car and a Hero Glamour motorcycle, two accused persons including the petitioners were apprehended and on search, from Maruti Suzuki Car total 315 litres of illicit spirit and 350 litres from the motorcycle, were recovered.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners have neither any concern with the seized vehicle nor with the illicit recovered spirit. It is further submitted that the petitioners were only a passer-by and on suspicion, they were arrested. It is further submitted that there are various infirmities in the seizure list. It is next submitted that the petitioners are men of fair antecedent and are in custody since 04.02.2022.

On the other hand, learned APP for the State opposes the bail application and submits 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 alleged seized vehicle nor with the illicit wine and moreover, they are in custody since



04.02.2022, 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 Court No.- II, Muzaffarpur in connection with Motipur P. S. Case No. 45 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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