

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31552 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. MAHESH KUMAR Son of Bhupendra Yadav Resident of village - Khakhai, P.S.- Kishanganj, District - Supaul.
2. Nikhil Son of Rajendra Singh Resident of Village - Mahiyalpur Harijan Basti Purani Tanki, P.S.- Basant Kunj, District - New Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 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 Mohammadpur P.S. Case No. 20/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of total 193.5 liters country made wine from Hunda city car in question. Petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. He further submits that the petitioners are neither driver nor owner of the said vehicle in question. The petitioners had nothing to do with the seized wine. The petitioners are languishing in custody since 23.04.2022 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioners 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 A.D.J.-II cum Special Excise Judge Court No.1, Gopalganj in connection with Mohammadpur P.S. Case No. 20/2022, 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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