

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30992 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- AMAS District- Gaya

-
1. DINESH BHUIYAN Son of Late Nanhak Bhuiyan Resident of Village - Nagmatiya, P.S.- Madanpur, District - Aurangabad (Bihar).
 2. Mukesh Bhuiyan Son of Ganouri Bhuiyan Resident of village - Bihari Bigha, P.S.- Madanpur, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

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 Amas
P.S. Case No. 118 of 2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition Excise Amended
Act, 2018.

As per prosecution case, there is alleged recovery



of 65 litre Mahua wine from the vehicle in question and the present petitioners were alleged to be riders of the said motorcycle and they were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 14.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. It has been submitted that the petitioners were not carrying illegal liquor on the motorcycle rather it was pouch of water and there is no such evidence that seized articles were liquor.

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 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 Special Judge-I, Excise Gaya, Civil Court (Bihar) in connection with Amas P.S. Case No. 118 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 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)

shahzad/-

U		T	
---	--	---	--

