

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31716 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- SURSAND District- Sitamarhi

1. Brajesh Thakur S/O Hanslal Thakur Resident Of Village- Sardalpatti, P.S.- Parihar, District- Sitamarhi.
2. Sudhir Rai @ Shudhir Ray S/O Ganesh Rai Wrongly Written In F.I.R. Age About 23 Year) Resident Of Village- Sardalpatti, P.S.- Parihar, District- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Birendra Kumar
For the Opposite Party/s :	Mr. Parmanand Kumar

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 Sursand P.S. Case No. 105 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of total 117 litre Nepali Saufi liquor from a hut and the petitioners were apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case due to village politics. Nothing has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners further submits that the petitioners have no concern with the alleged recovered Nepali Saufi wine as well as hut of bassinet. The petitioners are languishing in custody since 05.03.2022 and petitioner no.1 bears criminal antecedent of one case of similar nature and petitioner no.2 bears 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 and also taking into consideration the material available on record, let the petitioner no. 1, Brajesh Thakur be released on bail **after framing of charge** and petitioner no. 2, Sudhir Rai @ Sudhir Ray 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.-VII-cum-Special Judge, Excise, Court- II, Sitamarhi in connection with



Sursand P.S. Case No. 105 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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