

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30162 of 2022

Arising Out of PS. Case No.-508 Year-2020 Thana- PAROO District- Muzaffarpur

1. Mukesh Ram Son Of Chandeshwar Ram Resident Of Village- Jalil Nagar, P.S.- Paroo, District- Muzaffarpur.
2. Akhilesh Ram Son Of Chandeshwar Ram Resident Of Village- Jalil Nagar, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Paroo P.S. Case No. 508 of 2020 for the offences punishable under Sections 30, 30(a) of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the police on a secret information that in front of the house of the petitioners, the illicit liquor is being unloaded, rushed to the place of occurrence, however noticing the police party



all the persons succeeded to flee away. It is further alleged that village chaukidar disclosed the name of the person including the petitioners. On search total 1530 liters Indian made foreign liquor was recovered.

Learned counsel for the petitioners submits that the petitioners were neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioners. Moreover, petitioners have neither any concern with the truck nor the illicit liquor. It is also submitted that save and except disclosure made by the village chaukidar no material has come which suggest the complicity of the petitioners and so far as other co-accused persons are concerned, they have already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc No. 18732 of 2021 vide order dated 08.07.2021 and Cr. Misc. No.41545 of 2021 vide order dated 17.12.2021 respectively.

On the other hand, learned counsel for the State opposed the bail application of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners have



been identified by the village chaukidar and their names have been disclosed by him. Moreover, petitioners were neither arrested at the spot nor any incriminating material has been recovered from persons or possession and are in custody since 06.02.2022 in as much as investigation of the crime is concluded and the charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, West Muzaffarpur in connection with Paroo P.S.Case No. 508 of 2020 subject to the condition that one of the bailors will be the close relatives 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.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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