

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30378 of 2022**

Arising Out of PS. Case No.-139 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Saran

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1. NARESH RAI SON OF LATE DEEP NARAYAN RAI RESIDENT OF  
WARD No. 22, DIGHA, P.S.- DIGHA, DISTRICT- PATNA
  2. GANESH KUMAR SON OF MAHENDRA PASWAN RESIDENT OF  
DIGHA, GHURDAUR MORE UMA BIHAR COLONY, P.S.- DIGHA,  
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Surendra Kishore Thakur  
For the Opposite Party/s : Mr.Anant Kumar I

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      22-07-2022                      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 Saran  
Excise Case No. 139 of 2022 registered for the offences  
punishable under Sections 30(a), 32(2) & (3) of the Bihar  
Prohibition & Excise (Amendment) Act, 2018.

As per prosecution case, after seeing police  
personnel petitioners tried to flee away from the vehicle in  
question but they were apprehended. On search total 181.440  
Litres foreign Liquor was recovered from the vehicle in



question.

Learned counsel for the petitioners submits that petitioners are in custody since 13.03.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners are not the owner of the vehicle and they have no concern with the seized 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 as well as period of custody and keeping in view clean antecedent of petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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 1<sup>st</sup> Exclusive Special Judge, Excise, Saran in connection with Saran Excise Case No. 139 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)**

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