

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40168 of 2021

Arising Out of PS. Case No.-153 Year-2021 Thana- SHERGHATI District- Gaya

1. PRAKASH PANDEY S/o Late Manoj Pandey @ Late Manoj Kumar Resident of Village- Kokar Ranchi, P.S.- Bariyatu, District- Ranchi (Jharkhand).
2. Rajesh Mundar @ Rajesh Munda @ Rajesh Son of Tucha Munada Resident of Village- Edlatu, P.S.- Bariyatu, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-03-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 1560 litres of spirit was recovered from the TATA-407 vehicle of which the petitioners herein were the driver and khalasi.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the petitioners possession or from their vehicle. They have been falsely implicated in the case. They are in custody since 14.3.2021 and have no criminal antecedent.



The application for bail is opposed by learned APP for the State who submits that both the petitioners are resident of outside the State of Bihar.

Having heard learned counsel for the parties and taking into consideration the facts of the case, petitioners not having any criminal antecedent and having remained in custody for more than 1 year, the Court directs the above two petitioners to be enlarged on bail in connection with Sherghati (Dobhi) P.S. Case no. 153 of 2021 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge II-cum-Special Judge, Excise Act, Gaya subject to the following conditions :

(i) one of the bailors shall be a close relative of the petitioners.

(ii) The other bailor of the petitioners shall be resident of a place within the jurisdiction of the learned trial Court.

(Partha Sarthy, J)

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