

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30400 of 2022

Arising Out of PS. Case No.-776 Year-2021 Thana- KANTI District- Muzaffarpur

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1. AKASH SAH SON OF LALAN SAH R/O VILLAGE- DAMODARPUR, P.S.- KANTI, DISTRICT- MUZAFFARPUR, STATE- BIHAR
 2. LALAN SAH SON OF LATE DWARIKA SAH R/O VILLAGE- DAMODARPUR, P.S.- KANTI, DISTRICT- MUZAFFARPUR, STATE- BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 through virtual mode.

The petitioners seek bail in connection with Kanti P.S. Case No. 776 of 2021 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 37.140 from the house of Petitioner No. 1 and both petitioners succeeded in fleeing away.

Learned counsel for the petitioners submits that petitioner no. 1 is in custody since 31.01.2022 and petitioner no.



2 is in custody since 07.12.2021. 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 nothing has been recovered from the house of the petitioners. Seizure list has not been made as per law.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners 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) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 776 of 2021, 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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