

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41361 of 2021**

Arising Out of PS. Case No.-92 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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1. Vijay Kumar S/O Shatrudhan Yadav Resident Of Gilesan Bazar, P.S.-TOWN, District-Madhubani
 2. Tunna Sah S/O Mahesh Sah R/O Santunagar, P.S-Town, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-01-2022 The matter has been listed today for consideration through virtual mode.

Heard learned counsel appearing on behalf of the petitioners as well as learned Additional Public Prosecutor appearing for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners who are in custody since 03.03.2021 seeks regular bail in connection with G.O. Case No.92/2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case in brief, is that altogether 846.06 liters of illicit liquor was recovered from one pickup vehicle



bearing registration no.BR01G-5634 from the possession of the petitioner and another co-accused.

Learned counsel appearing on behalf of the petitioners submits that petitioner no.1 is the driver and petitioner no.2 is the co-driver of the said vehicle. He further submits that vehicle was to be delivered at the house of the owner of the vehicle.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case, it is directed that the court below after verifying the criminal antecedent of the petitioner and if no other criminal case is pending against the petitioner as what has been stated in paragraph no.3 of the bail petition, the petitioner above named, be released on bail on furnishing bail bond of Rs.2,00,000/- (Rupees One Lac Only) each with two sureties of the like amount each to the satisfaction of learned Second Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with G.O. Case No.92/2021, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) One of the bailor will be the wife of owner of the vehicle. If the wife of owner of the vehicle do not abide by the order of this Court, then the court below shall take appropriate legal action against her and allow the petitioner to furnish any other solvent sureties with like amount.

(3) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(4) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(5) If the petitioners are found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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