

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31193 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- SAHEBPUR KAMAL District- Begusarai

1. ABHISH KUMAR @ ABHISH YADAV @ ABHISHEK YADAV Son of Hareram Yadav Resident of Village- Gyantol, P.S. - Sahebpurkamal, District - Begusarai.
2. Shree Ram Kumar @ Sree Ram Kuamr Yadav Son of Hareram Yadav Resident of Village- Gyantol, P.S. - Sahebpurkamal, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 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.

The petitioners seek bail in connection with S. Kamal P.S. Case No. 18 of 2022 registered for the offences punishable under Sections 414 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 505.800 litre foreign liquor from the tractor in question and petitioners fled away from the spot. Local people disclosed the names of the petitioners.



Learned counsel for the petitioners submits that petitioners are in custody since 22.03.2021 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners further submits that petitioners have no concern with the seized tractor in question and recovered liquor and there is no compliance of Section 100 Cr.P.C. It has been further submitted by the learned counsel for the petitioners that petitioners have been falsely implicated in this case on the disclosure of local people and petitioners are not apprehended on spot.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioners were not apprehended on spot and the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction



of learned Speical Judge, Excise Court-02, Begusarai in connection with S. Kamal P.S. Case No. 18 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 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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