

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31860 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Aman Kumar, Son of Ajay Prasad, R/O Mohalla- Lohanipur, P.S.- Kadamkuan, District- Patna
 2. Sanjeev Kumar, Son of Ajay Prasad, R/O Mohalla- Lohanipur, P.S.- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Satya Ranjan Singh, learned counsel for the petitioners and learned APP for the State through video conference.

The petitioners seek regular bail, who are in custody in connection with Prohibition (Excise) Case No. 166 of 2022 registered for the offences punishable under Sections 30 (a) and 56(b) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the police on suspicion intercepted a Honda City ZX car, which was coming from Hajipur to Patna. On search 78.750 litres of Jharkhand made liquor was recovered.



Learned counsel appearing on behalf of the petitioners submits that the petitioners have neither any concern with the alleged seized car nor with the alleged illicit liquor. It is next submitted that the petitioners are in custody since 10.05.2022, having fair antecedent, though the investigation of the crime is already completed and charge-sheet has been submitted. It is next submitted that apart from the other infirmities in the preparation of seizure list, there is no compliance of Section 100 of the Cr.P.C.

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners have neither any concern with the alleged seized car nor with the alleged illicit liquor and they are in custody since 10.05.2022, having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Prohibition (Excise) Case No. 166 of 2022,



subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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