

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33582 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MUSRIGHRARI District- Samastipur

1. AMRENDRA KUMAR S/o Prameshwar Ray R/o village- Dadpur Chaknur, Ward No. 13, P.S.- Samastipur (Muffasil), District- Samastipur
2. Rahul Kumar Thakur @ Rahul Kumar S/o Jagarnath Thakur R/o village- Rampur Dadhpurar, Ward No. 11, P.S.- Samastipur (Muffasil), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Opposite Party/s : Mrs.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2022 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 Musarigharari P.S. Case No. 13 of 2022 registered for the offences punishable under Sections 30(a), 41 (2) (1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of 1443.9 litre illicit foreign liquor from the truck in question. The driver and khalasi of the said truck apprehended on the spot and they disclosed the name of petitioners and others who were



behind the said truck from car. The petitioners and others were going to collect money of the said liquor. Thereafter, the police party arrested the petitioners and others from the said car.

Learned counsel for the petitioners submits that petitioners are in custody since 26.01.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that according to FIR, petitioners were arrested from the car and no any illegal wine was recovered from the car or physical possession of the petitioners. Petitioners have no concern with the seized truck and illegal wine.

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 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 Special Judge, Excise Court-1, Samastipur in connection with Musarigharari P.S. Case No. 13 of 2022, Excise G.R. No. 86 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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