

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34034 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- ARER District- Madhubani

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1. MAMTA DEVI W/o Rajeev Ray Resident of Village- Nihsa, P.S.- Pupri, Dist.- Sitamarhi.
 2. Rajeev Ray S/o Bashisth Ray Resident of Village- Nihsa, P.S.- Pupri, Dist- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-09-2022 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 in virtual court proceeding.

The petitioners seek bail in connection with Arrer P.S. Case No.67 of 2021 registered for the offences punishable under Sections 272, 273, 467, 468, 471, 120(B) of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of 4408.185 foreign liquor and 1200 litres beer from two vehicles in question and petitioner and others fled away from



the place of occurrence.

Learned counsel for the petitioners submits that petitioners are in custody since 18.05.2022 and they were remanded in this case from Simri P.S. Case No.330/2021 and bear criminal antecedent of one case of similar nature. He further submits that nothing has been recovered from the conscious possession of the petitioners and they have been falsely implicated in this case. The name of petitioner transpired in this case on the basis of confessional statement of co-accused, Vijay Saha and Raj Kishore Sahni. The petitioners were not present on the spot. Seizure list has not been prepared as per law. Co-accused Raj Kishor Sahni, Vijay Sah and Sohan Sah have already been granted bail vide Cr. Misc. No. 13099 of 2022 and 59014 of 2021 respectively by this Hon'ble Court and the case of present petitioners stand on similar footing.

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, petitioners were not apprehended on the spot, similarly situated co-accused have already been granted bail and also taking into consideration the material available on record, let the petitioners above named be released on bail, **after**



framing of charge 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 Additional Session Judge-2 cum Special Judge, Excise Act, Madhubani in connection with Arrer P.S. Case No. 67 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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