

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37354 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- NIRMALI District- Supaul

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1. LAKHAN SAH Son of Dhaneshwar Sah Resident of Ward No.- 10, Nirmali, P.S.- Nirmali, District - Supaul
 2. Shushil Kumar Son of Raju Sah Resident of Ward No.- 11, Nirmali, P.S.- Nirmali, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 in virtual court proceeding.

The petitioners seek bail in connection with Nirmali P.S. Case No. 61 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 375 ml foreign liquor from the pocket of the petitioner No. 1 and 375 ml foreign liquor from the pocket of petitioner No. 2. The petitioners were apprehended on the spot.



Learned counsel for the petitioners submits that petitioners are in custody since 16.03.2022. It is further submitted that petitioner No. 1 bears criminal antecedent of four cases of similar nature and petitioner No. 2 bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioners.

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, 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, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of A.D.J-V-cum-Special Judge, Excise, Court No. 1, Supaul in connection with Nirmali P.S. Case No. 61 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 tampers 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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