

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39513 of 2022

Arising Out of PS. Case No.-274 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Suraj Kumar, S/O Surendra Mahto, Resident of J.P.- Market, Village-Dhurva, P.S.- Durva, District- Ranchi (Jharkhand).
 2. Amar Kumar, S/O Late Jagdish Singh, Resident of village- Dhurva Adarsh Nagar, P.S.- Durva, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Arvind Kumar, learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Excise P.S. Case No. 274 of 2021 for the offences punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that in course of vehicle checking, the police intercepted a car and, on search, 169.200 litres of Indian made foreign liquor was recovered. It is



further alleged that both the petitioners were apprehended from the car.

Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 2 is the driver and the petitioner no. 1 is occupants of the vehicle, in question, have no concern, either with the liquor so recovered by police or with the vehicle. He next submits that in fact nothing has been recovered, but in course of vehicle checking, on account of some altercation, which took place between the police and the petitioners, their name have been implicated in this case, showing the recovery has made from their possession. He next submits that the petitioners, having fair antecedent, are in custody since 24.05.2022 and, moreover, the investigation of the crime has already been completed and there is no chance of absconding of the petitioners and tampering with the evidence.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners, having fair antecedent, are in custody since 24.05.2022, having no concern either with the vehicle, in question, or with the illicit wine, let the petitioners, named above, be released on bail on



furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya in connection with Excise P.S. Case No. 274 of 2022 subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

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

(ii) They will remain 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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