

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37647 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- RISIYAP District- Aurangabad

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1. JITESH KUMAR S/O JANARDAN MAHTO @ JANARDAN KUMAR
Resident of Villge- Patanawan, P.S.- Jamhore, District- Aurangabad
 2. PANKAJ KUMAR S/O LATE JAIRAM MAHTO Resident of Villge-
Patanawan, P.S.- Jamhore, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Choubey Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-09-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ashok Kumar Singh, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Risiup P. S. Case No. 51 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that in



course of patrolling duty, the police intercepted two persons, who were coming on a motorcycle and on search, total 32.1 litres country-made liquor was recovered from a bag tied with the motorcycle.

Learned counsel appearing on behalf of the petitioners submitted that the recovery has been made from a joint possession of the petitioners. It is next submitted that nothing has been recovered from the person or possession of the petitioners rather on account of altercation, which took place between the police and the petitioners, their names have been implicated in this case. It is further submitted that the petitioners having fair antecedent, are in custody since 21.05.2022 and moreover, after completion of the investigation, charge sheet has been submitted and as such, keeping the petitioners behind the bar would serve no further purpose. It is last submitted that there is various other infirmities in preparation of the seizure list in as much as 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.

Regard being had to the fact that the petitioners having fair antecedent, are in custody since 21.05.2022 and investigation of the crime is already completed and the charge



sheet has been submitted, let the petitioners, above named, 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 Additional District and Sessions Judge-cum-Special Judge, Excise-II, Aurangabad in connection with Risiup P. S. Case No. 51 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners 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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