

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37413 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. SHYAM SINGH @ SHYAM BABU SINGH SON OF LATE RAMKRISHAN SINGH R/O VILLAGE- KHUTHA DIH, P.S.- BARAHIYA, DISTRICT- LAKHISARAI
 2. BABLU KUMAR KESHARI SON OF ASHOK PRASAD KESARI R/O VILLAGE- AGRSANDABEHRA, P.S.- MUFFASIL ARA, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akash Anand, Adv.
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-08-2022 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 Seikhopur-Sarai P.S. Case No. 14 of 2022 registered for the offences punishable under Sections 30(a), 32(2) 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of 943.125 litre illicit English wine from the truck in question and petitioners were apprehended on the spot.



Learned counsel for the petitioners submits that petitioners are in custody since 02.02.2022 and bear clean antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that alleged recovery has been made from the truck in question and the said truck does not belong to the petitioners. Petitioners have no concern with the seized liquor in question nor they have involved in any kind of trade of liquor.

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 Additional Sessions Judge-II, Sheikhpura in connection with Seikhopur-Sarai P.S. Case No. 14 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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