

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46932 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Mohan Kumar Rai Son of Late Bishwanth Rai Resident of Barai Patti Post Office Barai Patti, Police Station- Yadopur, District- Gopalganj.
 2. Deepak Rai Son of Suresh Rai Resident of Barai Patti Post Office Barai Patti, Police Station- Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Adv
Ms. Smita, Adv

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners who are in custody since 24.06.2021 seek
regular bail in connection with Excise Case No. 185 of 2021
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 256.250
litres of foreign liquor was recovered from Mahindra Xylo
vehicle bearing Registration No. JH01AK 8008 in course of



checking near Teenmuhani at village Paharpur. Two persons were arrested on the spot who have named the present petitioners Mohan Kumar and Deepak Rai and accordingly seizure list was prepared.

Learned counsel appearing on behalf of the petitioners submits that their name have surfaced in confessional statement of one co-accused in police custody. The petitioners have clean antecedent and being innocent they are in custody since 24.06.2021.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioners, the petitioners above named are directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II, Gopalganj in connection with Excise Case No. 185 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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