

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46919 of 2021

Arising Out of PS. Case No.-205 Year-2021 Thana- DUMRA District- Sitamarhi

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1. JIMEDAR RAY @ JIMEDAR RAI S/o RAM SEVAK RAY @ RAM SHEVAK PRASAD YADAV R/o VILLAGE-HANUMAN NAGAR, P.S-DUMRA, DISTRICT-SITAMARHI.
 2. AVANISH KUMAR @ AVINASH KUMAR S/o LATE SATRUGHAN PRASAD YADAV R/o VILLAGE-BHAGWANPUR CHOUBEY, P.S-BAJPATTI, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Adv
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 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 08.06.2021 seek regular bail in connection with Dumra P.S. Case No. 205 of 2021 registered for offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that altogether 410 bottles, total 123 litres of Nepali saufi wine was recovered from the roof of tempo bearing Registration No. BR-30P-5432 near village



Rikhauli which was seized by the Gosainpur patrolling party.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have falsely been implicated in this case and they have no concern either with the alleged tempo bearing Registration No. BR-30P-5432 or with the alleged seized liquor recovered from the aforesaid tempo. He further submits that petitioners have got clean antecedent and they are in custody since 08.06.2021.

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 and the fact that the trial is not going to be concluded in near future, 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 District and Sessions Judge-II cum Special Judge, Excise Act, Sitamarhi in connection with Dumra P.S. Case No. 205 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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