

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38521 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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1. Ramashankar Thakur S/O Kameshwar Thakur R/O Village- Bhithi Ward No. 07, P.S.- Town, District- Madhubani
 2. Rahul Kumar S/O Rambalabh Sah @ Rambalam Sah R/O Village- Sahpur, P.S.- Hathaudi, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Dumariyaghat P.S. Case No. 76 of 2022 for the offences punishable under Sections 30(a), of the Bihar Excise (Prohibition) Amendment Act, 2016.

It is alleged that during the course of patrolling, two persons were apprehended on Tata Indica Car and on



search total 172.80 liters of Indian foreign made liquor was recovered.

Learned counsel for the petitioner submits that petitioner no. 1 happens to be driver and petitioner no 2 is helper of the car and they were not aware as to what was being loaded by the owner of the car and they have no concern with the recovered illicit liquor. She further submits that there is no compliance of section 81 and 82 of Bihar Prohibition & Excise Act, apart from the fact that the seizure list has been prepared by ignoring the provisions of Section 100 (4) of the Cr.P.C. She next submits that petitioners having fair antecedent are in custody since 14.04.2022 and charge sheet having been submitted, and the investigation of the crime is already completed.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission of the parties and considering the fact that the petitioners are driver and helper of the car runs the same on the order of the owner and moreover, they having fair antecedent and are in custody since 14.04.2022, let the petitioners, above named,



be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Motihari, East Champaran in connection with Dumariyaghat P.S.Case No. 76 of 2022 subject to the condition that one of the bailors will be the close relatives 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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