

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47580 of 2021

Arising Out of PS. Case No.-68 Year-2021 Thana- BAISI District- Purnia

1. OM PRAKASH KUMAR S/o Pramod Sharma Resident of Village- Amaha, Ward No.04, P.S. and District- Supaul
2. Rahul Kumar S/o Bechan Choudhary Resident of Village- Aladh, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patla Kumari, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

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

The petitioners, who are in custody since 01.03.2021, seek regular bail in connection with Special Excise Case No. 189 of 2021, arising out of Bayusi P.S. Case No. 68 of 2021, for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a),41/47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 63.750 litres of Indian Made Foreign Liquor was recovered from



Tata Safari vehicle bearing registration No. DL3CAC-5949.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are driver of the said vehicle and they are not responsible for the alleged liquor, which was found concealed in the said vehicle. He further submits that petitioners were directed to reach the destination at Bayusi without being informed regarding keeping of huge quantity of illicit liquor in the said vehicle. The petitioners have no criminal antecedent.

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

Considering the aforementioned facts and circumstances of the case, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Purnea in connection with Special Excise Case No. 189 of 2021, arising out of Bayusi P.S. Case No. 68 of 2021, subject to the following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

