

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39226 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- CHANDI District- Nalanda

1. RAM SWARATH SINGH Son of Late Dumar Singh Resident of Village - Bhkhua, P.s.- Fatuha, Distt.- Patna.
2. Binod Kumar Son of Naresh Rai Resident of Village - Ranipur Patna city, P.s.- Mehadiganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 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 Chandi P.S. Case No. 46 of 2022 registered for the offences punishable under Sections 420, 468, 467, 471 of the Indian Penal Code read with Sections 30(a), 32(ii)(iii), 36, 41(ii) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 341.94 litres foreign liquor from the truck in question. Petitioner no. 1 and petitioner no. 2 are alleged to be driver and



co-driver of the said truck respectively and both are apprehended on spot.

Learned counsel for the petitioners submits that petitioners are in custody since 09.02.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioners have no concern with the alleged recovered liquor. Recovery has been made from the truck in question which does not belong to the petitioner rather it belongs to co-accused Manjeet Kumar.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners 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) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Court No. 1, Nalanda at Bihar Sharif in connection with Chandi P.S. Case No. 46 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)

amitkr/-

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

