

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39511 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- MAIRWAN District- Siwan

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1. Pawan Kumar Prasad @ Pawan Kumar Parshad, Son of Shashi Bhushan Prasad, Resident of Village- Hanumanganj, Tetarpur, Police Station- Mashrak, District- Saran.
 2. Ajay Kumar Majhi @ Ajay Kumar, Son of Yogendra Majhi, Resident of Village- Mashrak, Police Station- Mashrak, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Gaurav Kumar, learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Mairwa P.S. Case No. 246 of 2022 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that in course of patrolling, the police intercepted a Maruti Car and apprehended two persons, including the petitioners. On search, total 334.80



litres of Indian made foreign liquor and 84 of litres of country made liquor was recovered from the car.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have neither any concern with the car nor with the alleged illicit wine. He next submits that from the F.I.R., it would be evident that when the police intercepted the car, the persons started fleeing away and in fact, in course of fleeing away, the petitioners were arrested by the police on suspicion. He next submits that the petitioners, having fair antecedent, are in custody since 18.06.2022 and, moreover, the investigation of the crime is completed and the charge sheet has already been submitted and, as such, there is no chance of absconding of the petitioners and tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have neither any concern with the vehicle nor with the illicit wine and, moreover, having fair antecedent, they are in custody since 18.06.2022, and, as such, keeping the petitioners behind the bar would serve no purpose, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees



twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.-1, Siwan in connection with Mairwa P.S. Case No. 246 of 2022 subject to the condition that one of the bailors will be the close relative 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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