

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39892 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. SANDIP KUMAR Son of Zile Singh Resident of village- Bawena, P.S.-
Panipath Sadar District- Panipat Haryana.
 2. Abdul Khan Son of Sanov Ramjani Resident of village- Bawena, P.S.-
Panipath Sadar District- Panipat Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Shekhar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-08-2022 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
Mohiuddin Nagar P.S. Case No. 94/2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 2526.21 liters foreign liquor from the truck in question.
The petitioner no.1 was driver and petitioner no.2 was (co-
driver) of the said truck in question and they apprehended on the



spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners further submits that the petitioner no.1 was driver and petitioner no.2 was (co-driver) of the said truck in question and they only followed the instruction of the truck owner who asked them to transport the goods present in the truck. The petitioners are languishing in custody since 10.05.2022 and bear no criminal antecedent. Learned counsel for the petitioners specifically submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case as submitted and keeping in view clean antecedent of 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. 10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.02, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 94/2022, 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)

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