

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40658 of 2022

Arising Out of PS. Case No.-364 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

1. Ritik Raushan Son of Lalit Vijay Ray R/O Village- Rahepur, P.S.- Mohiuddin Nagar, District- Samastipur.
2. Raj Kishore Son of Uma Shankar Ray R/O Village- Jalalpur, P.S.- Patori (MOHANPUR O.P.), District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-08-2022 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 Siwan Mufassil P.S. Case No. 364/2022 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 184.440 liters foreign liquor from the Swift Dzire Car in question. The petitioner and other apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioners. He further submits that the seizure list has not been prepared as per law. The petitioners have neither owner of the seized car nor concerned with the seized liquor. The petitioners are languishing in custody since 27.06.2022 and bear no criminal antecedent.

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 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 A.D.J. cum Special Excise Court-2, Siwan in connection with Siwan Mufassil P.S. Case No. 364/2022, 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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