

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40912 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- DHANGAI District- Bhojpur

1. ROHIT S/o Jagir Singh R/o village- Chhattar Garh Patti, P.S.- Hudda Colony, District- Sirsha (Haryana)
2. Suraj S/o Patwari Ram Resident of House No. 624, Mahabeerdas School Bhat Mohalla, P.S.- Sadar Sirsa, District- Sirsa (Haryana)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

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 in virtual court proceeding.

The petitioners seek bail in connection with Dhangai P.S. Case No. 106 of 2021 registered for the offences punishable under Sections 30(a), 38, 41(i) of the Bihar Prohibition Excise Amendment Act, 2018 read with Sections 272, 273, 420, 467, 468, 471, 120(b)/34 of the IPC.

As per prosecution case, there is alleged recovery of 1754.25 litre English wine from the truck in question. Petitioner no. 1 is alleged to be driver and petitioner no. 2 is



khalasi of said truck and they are apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 29.12.2021. Petitioner no. 2 bears clean antecedent and petitioner no. 1 bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing was recovered from the physical conscious possession or premises of the petitioners. Petitioners have no concern either with the alleged recovered liquor or with the truck in question. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the **petitioner no. 1, namely, Rohit be released on bail, after framing of charge** and petitioner no. 2, namely, Suraj 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 Excise Court No. 1, Bhojpur at Ara in connection with Dhangai P.S. Case No. 106 of 2021, 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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