

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42316 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- DURAULI District- Siwan

1. AMIT RAI Son of Ramchandra Rai,
2. Sanjay Rai Son of Ramchandra Rai,
Both Residents of village - Darauli, P.S.- Darauli, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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 Darauli P.S. Case No. 70/2022 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 195 liters country made liquor from the bank of Shivalay Ghat river. Apprehended co-accused, Mahendra Bhagat and Virendra Sah disclosed the name of petitioners who fled away from the place of occurrence.



Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners were not apprehended on the spot and 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 were neither present at the spot nor concerned with the seized liquor. The petitioners are languishing in custody since 22.06.2022 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, petitioners were not apprehended on the spot 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 Excise Court No.1, Siwan in connection with Darauli P.S. Case No. 70/2022, 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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