

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50933 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- SAHIYARA District- Sitamarhi

1. SURAJ SINGH @ SUBHAU SINGH Son of Yogendra Singh Resident of Village- Dangraha, P.S.- Majorganj, District- Sitamarhi (Bihar).
2. Saroj Mandal Son of Mahindar Mandal @ Mahindra Mandal Resident of Village- Dangraha, P.S.- Majorganj, District- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-04-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Sahiyara P.S.Case No. 75 of 2021 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on 11.06.2021, the police on secret information intercepted the tractor and two persons including the petitioners, who were sitting on tractor apprehended by the police and from tractor



111 liters of Nepali Soufi wine was recovered.

It is submitted on behalf of the learned counsel for the petitioners that petitioner no. 1 is owner of the tractor and petitioner no. 2 happens to be Khalasi , who runs the tractor on rent/fare and they were not even aware of the materials which were loaded by the consignor. It is further submitted by the learned counsel for the petitioners that so far the tractor is concerned, the same is not the stolen property and they were using the tractor in agricultural purpose. It is also submitted that petitioners are in custody since 11.06.2021. Apart from this fact that investigation has already concluded and the charge sheet has already been submitted. It is lastly submitted that petitioners have no criminal antecedent, mentioned in Paragraph-3 of the petition but later on petitioner no. 1 filed supplementary affidavit in which, it has been stated that petitioner no. 1 has found involved in three other cases in which petitioner no. 1 is on bail but petitioner no. 2 has got clean antecedent.

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

Having heard the rival contentions of the parties and taking into consideration the fact that, these petitioners are in



custody since 11.06.2021 and investigation has already concluded and charge sheet has been submitted. There is no chance of their absconding and tampering with the evidences , let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II Special Judge, Excise, Sitamarhi in connection with Sahiyara P.S.Case No. 75 of 2021, subject to the condition that one of the bailors will be the close relatives 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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