

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43318 of 2022

Arising Out of PS. Case No.-135 Year-2022 Thana- BARAUNI District- Begusarai

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1. KUNDAN KUMAR Son of Ramnandan Sah Village Sishwa, Ward No. 11, Keshabe, P.O.- Ullao, P.s. Begusarai, District - Begusarai, Bihar- 851134.
 2. BANDAN KUMAR Son of Ramnandan Shaw Village Sishwa, Ward No. 11, Keshabe, P.O.- Ullao, P.s. Begusarai, District - Begusarai, Bihar- 851134.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Apurv Harsh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-08-2022 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 Barauni P.S. Case No. 135 of 2022 dated 28.03.2022 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 45 litres foreign liquor from the vehicle in question and petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are



in custody since 29.03.2022 and bear criminal antecedent of one case of similar nature. Learned counsel further submits that petitioners have falsely framed in the FIR as petitioners does not satisfy the constituents of Sections 30(a) and 41(i) of the Act. He further submits that from perusal of FIR of Barauni P.S. Case No. 134 of 2022 and Barauni P.S. Case No. 135 of 2022, it appears that for the same occurrence above stated two first information reports have been registered. It is further submitted that 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, also taking into consideration the material available on record, let the petitioners above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate in connection with Barauni P.S. Case No. 135 of 2022, G.R. No. 534 of 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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