

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42567 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- SONBERSA District- Sitamarhi

1. SAJAN PASWAN S/o Samu Paswan R/o Village - Parchhia (Pharchhhia), P.S - Sonbarsa, Dist.- Sitamarhi.
2. Sanjit Mahto @ Sandeep Mahto S/o Hulan mahto @ Hulas Mahto R/o Village - Parchhia (Pharchhhia), P.S - Sonbarsa, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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 Sonbarsa P.S. Case No. 120 of 2022 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 28.5 litres from the motorcycle in question and petitioners were apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 06.05.2022. Petitioner No. 1 bears no criminal antecedent and petitioner no. 2 bears criminal antecedent of four cases but none of the cases is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners have no concern with the alleged recovery. The seized motorcycle does not belong to the petitioners. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the parties 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 Additional District and Sessions Judge 2nd cum Special Judge Excise, Sitamarhi in connection with Sonbarsa P.S. Case No. 120 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 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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