

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42280 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- DAGARUA District- Purnia

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1. SUNIL THAKUR S/O LATE MAHENDRA THAKUR Resident of Village- Baghari, P.S.- Sursand, District- Sitamarhi.
 2. PINKU MANDAL S/O FAREBI MANDAL Resident of village- Yadupatti, P.S.- Churaut, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Syed Ehteshamuddin

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 Dagarwa P.S. Case No. 181/2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a) & 41, 47 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of total 223.950 liters foreign liquor from bus in question. The petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. From disclosure statement of the petitioner no.1 happens to be the driver of the said bus and whatsoever recovery has been shown from the bus was kept on the instruction of owner of the Bus namely Saurav Chaudhary. Petitioner no.2, Pinku Mandal is concerned no specific allegation or overt act has been alleged against him rather he was shown present in the bus as a co-passenger. He has also no concerned either the bus or from the alleged recovery made from the bus. Learned counsel for the petitioners further submits that the petitioners are languishing in custody since 20.06.2022 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 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 Judge Court



No.1, Purnea in connection with Dagarwa P.S. Case No. 181/2022, 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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