

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42339 of 2022

Arising Out of PS. Case No.-151 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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1. KRISHNA KUMAR RAI Son of Shib Shankar Rai @ Shib Shankar Nayak
Resident of Village - Rampatti, P.s.- Rajnagar, Distt.- Madhubani.
 2. Raja Kumar Son of Panchu Mandal Resident of Village - Rampatti, P.s.-
Rajnagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.A.G

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 G.O.
No. 151 of 2022 registered for the offences punishable under
Sections 30(a) and 30(c) of Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery
of 90 liters of Nepali liquor from the motorcycle in question and
both the petitioners were apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 13.03.2022. Petitioners bear no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the evidence. 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, prosecution report has already been submitted and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner 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 Addl. Sessions Judge II-cum-Special Judge, Excise Act, Madhubani/Incharge Successor Court in G.O. No. 151 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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