

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52052 of 2021**

Arising Out of PS. Case No.-134 Year-2021 Thana- AGIAON BAZAR District- Bhojpur

1. Ranjit Sah, Son of Bharat Sah
 2. Manish Sah Son of Late Bateshwar Sah
Both Resident of Village - and P.S.- Agiaon Bazar, Dist.- Bhojpur.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

4 01-04-2022 Heard learned counsel for the parties through video conferencing.

The two petitioners herein are accused in connection with Agiaon Bazar P.S. Case No.134 of 2021 instituted under Section 30(a) of the Bihar Prohibition & Excise Act lodged on the basis of written report of the SHO Agiaon Bazar Police Station.

The prosecution story, as manifest from the FIR, is that upon confidential information when they tried to stop a yellow tempo, the driver tried to sped away. Meanwhile, all the three accused persons fled from the place by crossing the canal water. The police made search of the tempo and 140 liters of liquor was seized from it.

The name of the petitioners herein came during the



confessional statement of another accused Birendra Paswan and it is in this circumstance that they are in judicial custody since 09.08.2021 as incorporated in para-13 of the bail application.

The counsel for the petitioners submit that the petitioners are innocent and their names have cropped up only on the basis of the confession made by accused Birendra Paswan. He further submits that in view of the fact that nothing was recovered from their conscious possession merely on the basis of the confessional statement of co-accused and because they were earlier implicated in Agiaon Bazar P.S. Case No.128 of 2021, they were framed in this case. He further submits that in view of the fact that they are in jail since 09.08.2021 and are students, they may be granted the privilege of bail.

Considering the fact that charge sheet has already been submitted in the matter and there is no question of tampering with the evidence as also the fact that they are in judicial custody since 09.08.2021, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Agiaon Bazar P.S. Case No.134 of 2021 to the satisfaction of learned Fourth Additional Sessions Judge-cum-Special, Excise Bhojpur, Ara, subject to following conditions:



(i) one of the bailor of both the petitioners should be the blood relatives, who shall show their bonafide with supportive official document.

(ii) the petitioners shall fully co-operate with the trial and failure to do so for two consecutive dates, the State shall be at liberty to initiate process for the cancellation of their bail.

With this aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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