

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44760 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

Pradip @ Ranjan Son Of Anil Prasad R/O Mohalla- Chaturbhuj Asthan
Chowk, P.S.- Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44945 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

Rajan Kumar Son of Vishwanath Singh Resident of Village - Chhit
Bhagwatipur, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44760 of 2022)

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

(In CRIMINAL MISCELLANEOUS No. 44945 of 2022)

For the Petitioner/s : Mrs.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and

learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks.

In the present case, the petitioners seek bail in

connection with Excise Case No. 208 of 2022 arising out of P.R.



No. 25 of 2022 registered for the alleged offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

Allegedly, total 2226.6 litres of India made foreign liquor was recovered from Haiwa truck and a tempo. The petitioners were named by the person who was present at the place of occurrence as the persons who escaped from the spot.

The learned counsel for the petitioner submits that petitioners were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. They are neither the driver nor the owner of the said vehicles. The prosecution report has been submitted and the petitioners are in custody since 25.05.2022.

Learned APP opposes the prayer for bail submitting that the petitioners are habitual offenders and two cases are pending against each of them.

Having regard to the submissions made hereinabove and considering the fact that petitioners were not apprehended from the spot and no recovery has been shown from them and considering the period of custody and the submission of prosecution report, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No-II, Muzaffarpur in connection with Excise Case No. 208 of 2022 arising out of P.R. No. 25 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

(i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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