

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46252 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. YOGENDRA PRASAD Son of Late Jagganath Prasad Resident of Village - Akil Tola, P.S.- Maharajganj, District - Siwan.
 2. Shahabuddin Ansari Son of Md. Haidar Ansari Resident of Village - Akil Tola, P.S.- Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Mithilesh Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with G. B. Nagar P. S. Case No. 244 of 2022 registered for the offences punishable under Sections 30 (a) and 30(d) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information, conducted raid on an orchard situated near Government School. On search, altogether 50 litres



of country-made liquor along with the gas stove and Cylinder and other utensils used for the purposes of manufacturing of liquor was recovered. It is also alleged that three persons including the petitioners were apprehended on chase.

Learned counsel appearing on behalf of the petitioners submitted that the alleged recovery has been made from an orchard, which is an open place and accessible to all. It is also submitted that the allegation has been levelled against the petitioners that he was apprehended on chase but the seizure list does not bear the signature of the petitioners, which falsifies the prosecution case of apprehension of the petitioners at the spot. It is further submitted that the petitioners having fair antecedent, are in custody since 16.07.2022 and the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned APP for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the seizure list does not bear the signature of the petitioners, apart from the fact that the investigation of the crime is already complete and the charge sheet has been submitted and there is



no likelihood of commencement of trial in near future, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise No. 1, Siwan in connection with G. B. Nagar P. S. Case No. 244 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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