

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46594 of 2022

Arising Out of PS. Case No.-249 Year-2022 Thana- RAGHOPUR District- Supaul

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1. SURESH KUMAR SON OF LATE MANGE RAM R/O VILLAGE-VEERBADALWA, P.S.- NUGHDHU, DISTRICT- KARNAL (HARIYANA)
 2. BHUPENDRA SINGH SON OF LATE OM PRAKAH RAJPUT R/O VILLAGE- JUGHDHU, P.S.- NUGHDHU, DISTRICT- KARNAL (HARIYANA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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 through virtual mode.

The petitioners seek bail in connection with Raghapur P.S. Case No. 249 of 2022 registered for the offences punishable under Sections 30(a), 32(ii)(iii), 36, 41(i) of Bihar Prohibition Excise Amendment Act, 2018 read with Sections 420, 467, 468, 471, 120(b) of Indian Penal Code.

As per prosecution case, there is alleged recovery of 1390.50 litre illicit liquor from the truck in question. Petitioner no. 1 is alleged to be driver cum owner and petitioner



no. 2 is co-driver of the said truck and they were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 23.06.2022 and bear no criminal antecedent. He further submits that petitioners were completely unaware regarding alleged liquor loaded in the vehicle for transportation. He further submits that petitioners have no concern with the alleged recovered liquor. There is no compliance of Section 100 of Cr. P.C.

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, period of custody, keeping in view clean antecedent of petitioners, argument advanced on behalf of both the parties 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. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No. 2, Supaul in connection with Raghapur P.S. Case No. 249 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 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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