

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56529 of 2021

Arising Out of PS. Case No.-289 Year-2021 Thana- PHULPARAS District- Madhubani

1. AJAY KUMAR Son of Hari Singh Resident of Village - Nigana, Khurd, P.s.- Tosham, Distt.- Bhiwani, Haryana.
2. Manjeet Kumar Son of Sajjan Kumar Resident of Village - Nigana, Khurd, P.s.- Tosham, Distt.- Bhiwani, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 21-06-2022 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 Phulparas P.S. Case No. 289/2021 corresponding to G.R. No. 1302/2021 registered for the offences punishable under Section 30(a) of Bihar Excise (Prohibition) Amendment Act, 2016.

As per prosecution case, the informant got secret information that a truck was standing at the petrol pump of Khopa Chowk with a huge quantity quantity of illicit wine. On such information the informant went there and they reached



near the truck two persons jumped from the truck and tried to flee away but they were arrested by the police. On query they disclosed his name as Ajay Kumar (Driver) and Manjeet Kumar (Co-driver). It is further alleged that in course of search of truck 2025 litres of country made liquor was recovered and petitioners were apprehended on spot.

Learned counsel for the petitioners has submitted that the petitioners are driver and co-driver of the said truck and petitioners have been falsely implicated in this case on suspicion. Search has not been made as per law thereby violating the provision 100 (4) Cr. P.C.

Learned counsel for the petitioners submits that petitioner are in custody since 27.07.2021 and petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioners 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 Additional Sessions Judge-II-Cum-Special Judge-II-Cum-Special Judge, Excise Act, Madhubani in connection with Phulparas P.S. Case No. 289 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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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