

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48554 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- ATHMALGOLA District- Patna

PAPPU KUMAR Son of Kamlesh Kumar R/v- Abu Mohammadpur, P.S-
Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51166 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- ATHMALGOLA District- Patna

SONU KUMAR Son of Umesh Prasad R/V- Naya Tola Raghopur, PS-
Bakhtiyarpur, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48554 of 2022)

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 51166 of 2022)

For the Petitioner/s : Mr.Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Since both the applications arise out of Athmalgola

P.S. Case No. 172 of 2022 as such, they have been heard together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

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 Athmalgola P.S. Case No. 172 of 2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the police received secret information about transportation of illicit country made liquor. Total 90 liters of country made liquor, from a tempo was recovered. The petitioners were apprehended from the said tempo.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have got no concern with the seized liquor or seized vehicle. The seized liquor was recovered from a road near the *chimni bhatta* of Anil Kumar situated at Gramin Road and not from the petitioners. The petitioners are in custody since 18.06.2022. The petitioners have got clean antecedent. Charge sheet has been submitted.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with



two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Badh, Patna in connection with Athmalgola P.S. Case No. 172 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) 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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