

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49493 of 2022

Arising Out of PS. Case No.-299 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. RAKESH SINGH Son of Babu Singh R/V- Sepu Road Mohammadpur, PS- Nihalganj, Dist- Dholpur(Rajsthan)
2. Avinash Kumar Son of Manoj Kumar Chaudhary R/V- Baghi, P.S- Maniyari, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 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 Phulwariya P.S. Case No. 299/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016-18.

As per prosecution case, there is alleged recovery of total 394.5 liters foreign liquor from Bolero pick-up vehicle in question. The petitioners apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 09.07.2022 and bear no criminal antecedent. He further submits that petitioner no. 2 is driver and petitioner no.1 is cleaner of the said vehicle in question. The petitioners were nothing to do with seized wine as well as vehicle was not belonged to them.

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, argument advanced on behalf of both sides 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Excise Judge Court No.1, Gopalganj in connection with Phulwariya P.S. Case No. 299/2022, 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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