

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57167 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- RISIYAP District- Aurangabad

SHIV KUMAR SON OF INDRADEO MEHTA R/O VILLAGE- DHAWKAL
BIGHA,P.S.- AURANGABAD MUFASSIL, DIST.- AURANGABAD
(BIHAR)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58275 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- RISIYAP District- Aurangabad

BABULAL KUMAR S/o MANOJ SINGH @ MANOJ PRASAD SINGH R/o
VILLAGE-BASDIHA, P.S.- FESAR, DISTRICT-AURANGABAD, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57167 of 2021)

For the Petitioner/s : Mr. Krishna Prasad, Senior Advocate
Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Surendra Kumar

(In CRIMINAL MISCELLANEOUS No. 58275 of 2021)

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Surendra Kumar

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 Risiyap



P.S. Case No. 67/2021 registered for the offences punishable under Section 30(a) of Bihar Excise (Prohibition) Amendment Act, 2018.

As per prosecution case, 450 litres of country made liquor was recovered from Maruti Car in question in which the petitioner Shiv Kumar is the driver and he was apprehended on spot and petitioner Babulal Kumar is passenger and he is also apprehended on spot.

Learned counsel for the petitioners submits that petitioner are in custody since 24.07.2021, petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Seizure-list has not been prepared as per law. Petitioners are not concerned with so-called seized wine. Petitioners have been arrested merely on suspicion. The petitioners and his friend were coming from the house of his relative. In course of checking, the car was stopped and asked vehicular particulars and when they did not produce vehicular particulars they demanded money and on account of denial, the police planted concocted story of seizure of illicit wine at the behest of local rival parties. The petitioners are driver and not associated with the said illegal activities.



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

Aaditya Kumar has already been granted bail vide Criminal Miscellaneous No. 56867 of 2021. The case of the petitioners are on same footing.

Considering the facts and circumstances of the case as well as period of custody and keeping in view, clean antecedent of petitioners and are bail on similar footing in the aforesaid case, 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, Excise, Aurangabad (Bihar) in connection with Risiyap P.S. Case No. 67/2021, District-Aurangabad (Bihar), 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)

kamlesh/-

U		T	
---	--	---	--

