

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48876 of 2022

Arising Out of PS. Case No.-304 Year-2022 Thana- JHAJHA District- Jamui

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1. RAMESH RAI Son of Parmeshwer Rai R/o Tejpurba, PS- Patepur, Distt.- Vaishali
 2. Ankit Rai @ Hitesh Son of Ram Babu Rai R/V- Maricha, PS- Tajpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Md. Ataur Rahman

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 in virtual court proceeding.

The petitioners seek bail in connection with Jhajha P.S. Case No. 304 of 2022 registered for the offences punishable under Sections 30(a)/32 of Bihar Prohibition and Excise Act, Amended 2018.

As per prosecution case, there is alleged recovery of 437.06 litre of foreign liquor from the truck in question. Petitioner no. 1 is alleged to be driver and petitioner no. 2 is co-driver of said truck and they are apprehended on the spot.



Learned counsel for the petitioners submits that petitioners are in custody since 23.07.2022 and bear no criminal antecedent. He further submits that being driver and co-driver, petitioners had no knowledge regarding the said recovered wine which had been kept in the truck. The said truck was parked near line hotel on NH 333 and petitioners were taking rest and have been falsely implicated in the case. From perusal of the FIR, it is evident that the said truck does not belong to the petitioners. Petitioners have no concern with the alleged recovered wine. No incriminating article has been recovered from the conscious possession of the petitioners.

The learned A.P.P. for the State 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 sides 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 Exclusive Excise Court-1, Jamui in connection with Jhajha P.S. Case No. 304 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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