

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49754 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- BENIPATTI District- Madhubani

1. HARI KUMAR S/o Bharat Prasad Gupta R/o village- Basopatti, Ward No. 06, P.S.- Basopatti, District- Madhubani
2. Nagendra Yadav S/o Nawal Yadav R/o village- Umgaun, P.S.- Harlakhi, District- Madhubani
3. Jiwachh Kumar Ram S/o Chhathu Ram Resident of- Basopatti, Ward no. 12, P.S.- Basopatti, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah
For the Opposite Party/s : Mr.Suresh Prasad Singh

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.

The petitioners seek bail in connection with Benipatti P.S. Case No. 171 of 2022 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 372.6 liters Nepali country made wine from two four-wheeler



in question. Petitioners are apprehended on spot and two other persons escaped from the place of occurrence.

Learned counsel for the petitioners submits that petitioners are in custody since 03.07.2022. Petitioners bear no criminal antecedent. Learned counsel further submits that the alleged recovery has been made from the vehicles not from the possession of the petitioners. Petitioners have no concern with the aforesaid vehicle or with the seized illegal wine. Nothing has been recovered from the possession of the petitioners.

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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, keeping in view clean antecedent of the 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) with two sureties of the like amount each to the satisfaction of learned A.D.J. - II, Madhubani in connection with Benipatti P.S. Case No. 171 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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