

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50677 of 2022**

Arising Out of PS. Case No.-293 Year-2022 Thana- GAIGHAT District- Muzaffarpur

1. BRAJENDRA SINGH So of Ishwar Singh Resident of Village - Berua, P.S.- Gayghat, District- Muzaffarpur.
2. Deepak Thakur @ Deepak Kumar Thakur Son of Arving thakur Resident of Village - Berua, P.S.- Gayghat, District- Muzaffarpur.
3. Abhiram Thakur Son of Rishi Chandra Thakur Resident of Village - Berua, P.S.- Gayghat, District- Muzaffarpur.
4. Mukul Kumar @ Mukul Kumar Siingh Son of Chandra Mohan Singh Resident of village - Beruari, P.S.- Gayghat, District - Muzaffarpur.
5. Santosh Kumar singh Son of chandra Kishore Singh Resident of Village - Somgadh, P.s.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arjun Prasad  
For the Opposite Party/s : Mr.Asha Devi

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      29-09-2022                      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 Gaighat P.S. Case No. 293 of 2022 registered for the offences punishable under Sections 272, 273, 414, 420/34 of the Indian Penal Code read with Sections 30(a), 34, 41(i) of the Bihar Prohibition and Excise Act, 2018.



As per prosecution case, there is alleged recovery of 2147.480 liters foreign liquor from the truck in question.

Petitioners are not named in the FIR and the learned trial court has rejected the bail petition of the petitioners vide order dated 04.08.2022 but from perusal of impugned order, it is not clear how the name of petitioners has been surfaced in this case and to clarify the aforesaid fact, let photostat copy of the case diary of Gaighat P.S. Case No. 293 of 2022 be called for, from the court of learned Exclusive Special Excise Court No. I, Muzaffarpur and list this matter after six weeks or after receipt of the same, whichever is earlier.

In the meantime, let the petitioners above named be released on provisional bail till disposal of the case on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Muzaffarpur in connection with Gaighat P.S. Case No. 293 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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