

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64690 of 2021

Arising Out of PS. Case No.-198 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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1. RAMJI SHARMA S/o Dewnandan Sharma R/o village- Bagloda Gali, Patnacity, P.S.- Chawh Thana, District- Patna
 2. Satish Kumar S/o Late Harinath Ray R/o village- Jafarabad Tok, P.S.- Raghawpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

9 22-07-2022 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 Excise Case No. 198 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total 354.24 litres foreign liquor has been recovered from the vehicle in question and petitioners are apprehended on spot.

Learned counsel for the petitioners submits that petitioners are in custody since 12.09.2021. Petitioner No. 1



bears criminal antecedent of one case of similar nature, however, petitioner no. 2 bears no criminal antecedent. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no relation with seized Pick Up van or with alleged wine, petitioners are only passersby of the way and police on mere suspicion implicated them in the present case.

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, prosecution report has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner no. 1 be released on bail after framing of charge and petitioner no. 2 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran in connection with Excise Case



No. 198 of 2021, 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 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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