

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55008 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- BELA District- Sitamarhi

1. Rajan Kumar S/O Horil Mukhiya R/O Village- Bathnaha, P.S.- Bathnaha, District- Sitamarhi
2. Sajjan Kumar S/O Horil Mukhiya R/O Village- Bathnaha, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Bela P.S. Case No. 169 of 2022 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, three persons were seen
coming on three motorcycles carrying some goods on sacks on
their motorcycles. When the police tried to intercept them, two
of the miscreants were apprehended and one miscreant fled

away from the spot. The petitioners are apprehended persons and on search of the motorcycles 198 liters of *Nepali* country made liquor was recovered.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the conscious possession of the petitioners. It is evident from the F.I.R. that recovery has been made from the motorcycles but those motorcycles do not belong to these petitioners. Charge sheet has been submitted in this case and the petitioners are in custody since 15.07.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the petitioners are having criminal antecedent of similar nature.

Having regard to the submission made on behalf of the parties and considering the fact of submission of charge sheet along with period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, Sitamarhi/concerned court in connection with Bela P.S. Case

No. 169 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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