

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64131 of 2021

Arising Out of PS. Case No.-257 Year-2021 Thana- BAISI District- Purnia

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1. SANTOSH KUMAR RAY Son of Sitaram Ray Resident of Kewas Nizamat, Police station - Samastipur, District - Samastipur.
 2. SHYAM PASWAN Son of Baleshwar Paswan Resident of Mordiya, Police Station - Samastipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 23-06-2022 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 Baisi P.S. Case No. 257 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 630 litre foreign liquor from the Bolero pickup van in question in which petitioner no. 1 is driver and petitioner no. 2 is khalasi and both were apprehended on the spot.



Learned counsel for the petitioners submits that petitioners bear no criminal history and the Investigating Officer of the case also appeared in the court and submitted that petitioners bear no criminal history. Petitioners are in custody since 03.09.2021. Petitioners are not owner of the vehicle rather they are alleged to be driver and cleaner of the said vehicle. Nothing has been recovered from their possession. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that it is evident from the FIR that petitioners were not apprehended with the vehicle, but apprehended after chasing far from the vehicle.

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, charge sheet has been submitted and keeping in view clean antecedent of 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Purnea in connection with Baisi P.S. Case No. 257 of 2021, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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.

However, the personal appearance of Vijendra Kumar Singh, I.O. of the case stands dispensed with.

(Alok Kumar Pandey, J)

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