

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55222 of 2022

Arising Out of PS. Case No.-177 Year-2022 Thana- KUTUMBA District- Aurangabad

1. RAVI MALAKAR Son of Rameshwar Bhagat Resident of Village - Shalma, P.S.- Madanpur, District - Aurangabad.
2. Saurabh Kumar Son of Arun Bhagat Resident of Village - Chitargopi, P.S.- Jamhore, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Kutumba P.S. Case No. 177 of 2022 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 52.24 litre country made liquor from the car in question. Petitioner no. 1 is alleged to be driver of the said car and petitioner no. 2 is also found sitting in the said car and both are apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 26.07.2022 and petitioner no. 1 bears criminal antecedent of one case which is not similar to the present case and petitioner no. 2 has clean antecedent. He further submits nothing has been recovered from the conscious possession of the petitioners. He further submits that petitioners are quite innocent and falsely implicated in the case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides 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, 1st Excise, Aurangabad in connection with Kutumba P.S. Case No. 177 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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