

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66681 of 2021

Arising Out of PS. Case No.-580 Year-2021 Thana- MANER District- Patna

1. PREM BAHADUR S/o Har Bahadur Resident of B- 1/152 Agar Nagar, Prem Nagar - 3 Kirari Suleman Nagar, P.S. - Aman Bihar Northwest Delhi 110086.
2. BANTI KUMAR S/o Ram Shankar Resident of Agar Nagar Shishmahal, P.S. - Aman Bihar, North West Delhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 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 Maner P.S. Case No. 580 of 2021 registered for the offences punishable under Sections 30(a), 36, 41(I)(II) of Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 2148.75 litres foreign liquor from truck in question. It is further alleged that the petitioner no. 1 is the driver and petitioner no. 2 is the co-driver of the said truck and petitioners



are apprehended on spot along with other co-accused persons.

Learned counsel for the petitioners submit that petitioners are in custody since 09.08.2021. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioners, the alleged recovery has been made from the truck in question and the petitioners, being driver and Khalasi of the truck, were implicated in the present case. Petitioners have no knowledge of the alleged recovered liquor. Petitioners are not familiar to the other accused persons, they are resident of Delhi and have no concern with co-accused persons.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the 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. 20,000/- (Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court, Patna in connection with Maner P.S. Case No. 580 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 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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