

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56246 of 2022

Arising Out of PS. Case No.-435 Year-2022 Thana- DHANARUA District- Patna

1. NITISH KUMAR S/o Ramanuj Mandal Resident of Village- Bandiha, P.O.- Raniparti, P.S.- Rosera, District- Samastipur
2. RAKESH KUMAR S/o Ramanuj Mandal Resident of Village- Bandiha, P.O.- Raniparti, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State through virtual mode.

The petitioners seek bail in connection with
Dhanarua P.S. Case No. 435 of 2022 registered for the offences
punishable under Sections 30(a), 32(1), 36, 41(i) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 1104.81 liter foreign liquor from the Pickup van in question.
Petitioners are alleged to be the driver and co-driver of the said
truck and they are apprehended on spot.

Learned counsel for the petitioners submits that
petitioners are in custody since 06.08.2022 as mentioned in



impugned order. Petitioners bear no criminal antecedent. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioners. Petitioners are innocent and have falsely been implicated 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, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Dhanarua P.S. Case No. 435 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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