

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57077 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

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1. MUKESH KUMAR, S/o Rajendra Thakur Resident of village- Kuwama,
P.S.- Rajepur, District- East Champaran
 2. SHATRUDHAN BHAGAT, S/o Late Shivgulam Bhagat Resident of village-
Minapur, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Dumariyaghat P.S. Case No. 123 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, petitioners were
apprehended carrying 203.050 liters of India made foreign
liquor in their vehicle.

Learned counsel for the petitioners submits that

petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern either with the seized vehicle or the allegedly recovered liquor. The search, recovery and seizure have not been made in accordance with the provisions of Section 100 of Cr.P.C. The petitioners were not apprehended from the vehicle as alleged and they were going by road and they were apprehended under confusion. Charge sheet has been submitted in this case and the petitioners are in custody since 26.06.2022. The petitioners have got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, 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 Special Judge, Excise Court No. -2, East Champaran, Mothihari in connection with Dumariyaghat P.S. Case No. 123 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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