

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70391 of 2021

Arising Out of PS. Case No.-773 Year-2021 Thana- AGAMKUAN District- Patna

-
1. MANJEET Son of Chand Ram Resident of Village- Mudlana, P.S.- Mudlana, District- Sonipat (Haryana).
 2. Rohit Kumar Son of Late- Dalbir Singh Resident of Village- Giji, P.S.- Sapala, District- Rohtak (Haryana).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

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 Special Case No. 5373 of 2021 arising out of Agamkuan P.S. Case No. 773 of 2021 registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total 1275.5 litres English liquor has been recovered from the vehicle in question and the petitioners were apprehended on spot.



Learned counsel for the petitioners submits that petitioners are in custody since 31.08.2021. 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 the petitioner no. 1 is driver and petitioner no. 2 is Khalasi of the vehicle in question. The petitioners have no concern either with the recovered liquor or with the vehicle in question. Section 100 of the Cr.P.C. has not been complied while preparing the seizure list.

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 petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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, Patna in connection with Special Case No. 5373 of 2021 arising out of Agamkuan P.S. Case No. 773



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 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)

amitkr/-

U		T	
---	--	---	--

