

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71849 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Rahul Kumar Son of Sabadh Singh Resident of Village Lodipur, P.S. Khushrupur, District - Patna.
 2. Sanjiv Kumar @ Sanjit Kumar S/o Kamlesh Singh Resident of Village Lodipur, P.S. Khushrupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 28-01-2022 The applicants/accused in Crime No. 44 of 2021 registered with Utpat Thana Police Station, arising out of Excise Case No.309 of 2021, for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, by this application are seeking their release on bail during pendency of the trial.

The applicants are given out of turn hearing because they are students appearing for the examination.

Learned counsel appearing for the applicants/accused submits that names of the applicants are not mentioned in the FIR and the seized vehicle also does not belong to them. He submits that the investigation of the crime in question is over.



The learned Additional Public Prosecutor opposed the application by contending that illicit country-made liquor in huge quantity came to be seized from the Bolero vehicle of the applicants.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR is lodged by the police officer mentioning that on inspection of the Bolero vehicle, stopped during the regular checking, it was found to be transporting 187.500 liters of country-made liquor. In the FIR names of the applicants are not figuring. Their names are also not figuring in the seizure-list prepared by the police. Investigation of the crime in question is over. It is reported that the applicants are not having any criminal history.

In this view of the matter, I see no reason to deny bail to the applicants and hence, the order :-

- i. The application is allowed.
- ii. The applicants/accused in Crime No. 44 of 2021 registered with Utpat Thana, arising out of Excise Case No.309 of 2021, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the



following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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