

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1544 of 2022

Arising Out of PS. Case No.-465 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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1. PRAMOD RAI S/o Jogi Rai Resident of Village-Pachaharwa, Ward No.-6, P.S.-Majorganj, District-Sitamarhi.
 2. Bikal Rai S/o Feku Rai Resident of Village-Pachaharwa, Ward No.-6, P.S.-Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 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 C2 Case No. 465/21 registered for the offences punishable under Section 30(A) of Bihar Prohibition and Excise Act.

As per Government Official Complaint, 70.500 litre illicit Nepali Saufi wine has been recovered from the bag of the petitioners.

Learned counsel for the petitioners submits that petitioners are in custody since 29.09.2021 and petitioner no. 1



bears criminal antecedent of one case of similar nature in which he is on bail whereas petitioner no. 2 is a man of clean antecedent. He further submits that petitioners have committed no offence and they have falsely been implicated in this case by the informant due to ulterior motive. Seizure list was not prepared as per law violating Section 100 of the Cr.P.C. Prosecution report has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioners above named be released on bail, **after framing of charge**, 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 Additional Sessions Judge-II cum Special Judge, Excise Act, Sitamarhi in connection with C2 Case No. 429/21, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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)

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