

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1545 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- KALER District- Jehanabad

1. SUMIT Son of Bijendra Singh Resident of Sundarpur, Police Station - Rohtak, District - Rohtak.
2. Sahil Son of Jaswir Resident of Kathura, Police Station - Gohna, District - Sonipat.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-07-2022 Learned counsel for the petitioners submits that he has filed supplementary affidavit dated 06.04.2022 stating therein that father of petitioner no. 2 namely Sahil died on 29.12.2021 and on the aforesaid ground this court vide order dated 07.04.2022 granted provisional bail to petitioner no. 2 but petitioner no. 2 has not been released on bail.

Vide order dated 07.04.2022 a report was called for from the Superintendent of Police, Sonipat (Haryana) with respect to fact relating to death of father of petitioner no. 2 and



office vide its note dated 05.05.2022 has reported that aforesaid report has not been received.

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 in virtual mode.

The petitioners seek bail in connection with Excise Case No. 1142 of 2021 arising out of Kaler P.S. Case No. 83 of 2021 registered for the offences punishable under Sections 30(a), 42 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 1530 litre IMFL from the bus in question and petitioners are passengers on the said bus and they were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 05.12.2021. Petitioners bear no criminal antecedent. Charge-sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that bus in question is a passenger bus. Petitioners have no knowledge about the alleged wine and they have no concern with the illicit liquor. Petitioners are passengers only. No incriminating material has been recovered



from the conscious possession of the petitioners.

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, period of custody and keeping in view clean antecedent of petitioners, charge-sheet has already been submitted 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. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Special Judge, Excise, Jehanabad in connection with Special Case No. 1142 of 2021 arising out of Kaler P.S. Case No. 83 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)

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