

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12359 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. SONU KUMAR SONI S/O TARKESHWAR SAH R/v- Sani Basantpur,
P.O.- Mustafabad, P.S.- G.B. Nagar, Tarwara, District- Siwan
2. RAMU KUMAR S/O CHOTELAL SONI @ CHHOTELAL SONI R/v-
Sani Basantpur, P.O.- Mustafabad, P.S.- G.B. Nagar, Tarwara, District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with
Phulwariya P.S. Case No. 15 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery of
74.700 liter illicit liquor from the motorcycle in question. It is
further alleged that petitioners are apprehended on spot.

Learned counsel for the petitioners submits that
petitioners are in custody 13.01.2023 and bear no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners 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 Additional Session Judge, II-Cum-Special Judge, Excise-1, Gopalganj in connection with Phulwariya P.S. Case No. 15 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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 without appropriate permission, 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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