

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13171 of 2023

Arising Out of PS. Case No.-213 Year-2022 Thana- PRATAPGANJ District- Supaul

1. PRAVESH KUMAR @ PAPPU S/O KISHORE PRASAD YADAV R/v-
Sakhua, Ward no.- 07, Post and P.S.- Pipra, District- Supaul, PIN- 852218
2. DEEPAK YADAV @ DEEPAK KUMAR S/O TRIBHUWAN YADAV R/v-
Sakhua, Ward no.- 07, Post and P.S.- Pipra, District- Supaul, PIN- 852218

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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
Pratapganj P.S. Case No. 213 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 270 litre Nepali Saufi wine from Hyundai car in question. It
is further alleged that both petitioners were apprehended on the
spot.

Learned counsel for the petitioners submits that
petitioners are in custody since 22.11.2022 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 opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 Exclusive Special Judge, Excise II, Supaul in connection with Pratapganj P.S. Case No. 213 of 2022, 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 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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