

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25789 of 2023

Arising Out of PS. Case No.-1104 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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1. RITU Son of Rajesh R/V- Near NH 502 Dada Khera, Chanaut 112, P.S- Hansi, Dist- Hissar, Haryana
 2. Pawan Son of Jagdish R/V- Tallu, PS- Mundel Dist- Bhivani, Haryana

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Raj Narayan
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Excise
P.S. Case No. 1104 of 2022 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 46.590 litre foreign liquor from the Baleno sigma car in
question. Petitioner no. 1 is alleged to be driver of the said car
and petitioner no. 2 is found sitting beside driver (petitioner no.
1) and both apprehended on spot.

Learned counsel for the petitioners submits that
petitioners are in custody since 18.12.2022 and bears no



criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are quiet innocent and have falsely been implicated in the case.

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, keeping in view clean antecedent of the petitioners, 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 petitioner 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 Special Excise Court -01, Darbhanga or its successor court in connection with Excise P.S. Case No. 1104 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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