

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26904 of 2023

Arising Out of PS. Case No.-554 Year-2021 Thana- MADHAURAH District- Saran

1. UMESH RAI SON OF LAXMAN RAI R/O VILLAGE- BHUALPUR, P.S.- MARHAURA, DISTRICT- SARAN
2. MITHILESH RAI @ SADHU SON OF LAXMAN RAI R/O VILLAGE- BHUALPUR, P.S.- MARHAURA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Learned counsel for the petitioners is permitted to make necessary correction in para 1 of the bail petition.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Marhaura P.S. Case No. 554 of 2021 registered for the offences punishable under Sections 30(a)/41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 2450 litre spirit from truck, white coloured pick up vehicle and white coloured Bolero car in question. It is further alleged that both petitioners were involved in illicit trade of liquor and



they were not apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case and nothing was recovered from their possession. He further submits that petitioners are in custody since 20.02.2023 and bear three criminal antecedent which are not similar to the present case. He further submits that they were not apprehended on the spot.

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, petitioners were not apprehended on the spot, 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 Second Exclusive Special Excise Court, Saran at Chapra in connection with Marhaura P.S. Case No. 554 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 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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