

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35507 of 2023**

Arising Out of PS. Case No.-253 Year-2022 Thana- BIHRA District- Saharsa

1. RAJESH KUMAR S/O AMAR SINGH R/O Shahbad Dairy Prahladpur, North West, New Delhi Block Makan No. 168, Delhi-110042.
2. RAM KUMAR S/O RAM KARAN R/O Village Shahbad Dairy Prahladpur, North West Delhi, Block Makan No. 165, Delhi-110042.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Suraj Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      14-06-2023                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

The petitioners seek bail in connection with Bihra P.S.  
Case No. 253/2022 registered for the offences punishable under  
Sections 30(a), 41 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of  
5637.88 liters foreign liquor from truck in question. Petitioner  
no.1 is co-driver and petitioner no.2 is conductor of the said  
truck and they were apprehended on the spot.

Learned counsel for the petitioners submits that  
petitioners are innocent and have falsely been implicated in this  
case. Nothing has been recovered from the conscious possession



of the petitioners. He further submits that the petitioners are languishing in custody since 09.11.2022 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special (Excise) Judge, Saharsa in connection with Bihra P.S. Case No. 253/2022, 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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