

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61808 of 2022

Arising Out of PS. Case No.-114 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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1. SHIV DAYAL SAH Son of Jharilal Sah Resident of Village- Ithara-Rampur, Ward No.6, P.S.-Sour Bazar, District- Saharsa
 2. Sanjeet Kumar Son of Surendra Prasad Sah Resident of Village- Ithara-Rampur, Ward No.6, P.S.-Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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. 114 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 135 litre foreign liquor from the auto in question. Petitioner No. 1 is alleged to be driver of the said auto and Petitioner No. 2 is found sitting on the back seat of the auto.



Learned counsel for the petitioners submits that petitioners are in custody since 13.08.2022 and bear no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and falsely 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 petitioners, prosecution report 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 Chief Judicial Magistrate, Banka in connection with Excise P.S. Case No. 114 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)

vashudha/-

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