

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60524 of 2023

Arising Out of PS. Case No.-489 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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1. LALAN KUMAR SON OF HARIKISHUN SAHANI RESIDENT OF VILLAGE- PURAINA, PS- LALGAN, DISTT- VAISHALI
 2. RAMU KUMAR SON OF PAVITRA RAI RESIDENT OF VILLAGE- SATI AVTAR,P.S.- BHAGAWANPUR, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Excise P.S. Case No. 489 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, informant and police
official intercepted bolero in question in which two persons
were apprehended who disclosed their name as present
petitioners and from the bolero vehicle in question 153.72 litre
foreign liquor was recovered.

4. Learned counsel for the petitioners submits that



petitioner is in custody since 12.07.2023 and bear 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 petitioner no. 1 is driver and petitioner no. 2 is cleaner of the alleged seized vehicle and they were acting on the instruction of the owner of the said vehicle in question. Petitioners have nothing to do with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and have falsely been implicated in the case.

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

6. 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 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 Additional Sessions Judge, 2-cum-Exclusive Special Judge



Excise Court No. 1 Saran at Chapra in connection with Excise
P.S. Case No. 489 of 2023, 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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