

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62631 of 2022

Arising Out of PS. Case No.-282 Year-2022 Thana- PATLIPUTRA District- Patna

1. VIKASH KUMAR Son of Krishna Kumar Singh @ Krishna Kumar Vimal R/v- Kholpur, P.S.- Sandesh, District- Bhojpur
2. NAGESHWAR PRASAD Son of Late Sukhram Singh Resident of Village- Tikaitpur, P.S.- Bihta (Near O.P.), District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Yadav

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Special Case No. 2696 of 2022 arising out of Patliputra P.S. Case No. 282 of 2022 registered for the offences punishable under Sections 30(a)/41(1) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 84 liters country made liquor from the Tempo in question.

Learned counsel for the petitioners submits that petitioners are in custody since 22.05.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner no. 1 is alleged to be the driver and petitioner no. 2 is alleged to be the owner of the Tempo in question. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are innocent and have falsely been implicated in the present 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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, keeping in view clean antecedent of the petitioners 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 2696 of 2022 arising out of Patliputra P.S. Case No. 282 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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