

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76500 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- MADHAURAH District- Saran

1. BHOLA NUT son of Santlal Nat Village- Sisai Ps- Mashrak Dist- Saran.
2. Ajay Nut son of Santlal Nat Village- Sisai Ps- Mashrak Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Mohammad
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Madhaurah P.S. Case No. 738/2022 registered for the offences punishable under Sections 30(a), 41 (1) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of 720 liters spirit from Belero Pick Up van and 40 liters spirit each from three motorcycles in question.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the FIR and the name of the petitioners transpired in this case on the secret information



given by the spy. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 06.10.2023. The petitioner no.1 bears criminal antecedent of seven cases and petitioner no.2 bears criminal antecedent of six cases. He further submits that the petitioners are roped in a case one after another in a routine manner. He further submits that the petitioners were neither owner nor driver of the said Pick-up van. He further submits that the petitioners were neither owner of the said motorcycles nor were concerned with the seized liquor. He further submits that the seizure list has not been prepared as per the law.

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

6. Considering the facts and circumstances of the case, period of custody, 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 the learned Special Judge Exclusive Excise-II, Saran at Chapra in connection with Madhaurah P.S. Case No. 738/2022, 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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