

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75006 of 2022

Arising Out of PS. Case No.-468 Year-2022 Thana- OBRA District- Aurangabad

-
1. Rakesh Kumar Son Of Mohan Ram R/O Village- Ranjitpura, P.S.-
Ranjitpura, District- Bikaner, Rajasthan
 2. Prakash Son Of Jora Ram R/O Kanasar, P.S.- Bap, District- Jodhpur,
Rajasthan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-04-2023 Let the defect(s), if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek regular bail in connection with Obra P.S. Case No. 468 of 2022 dated 16.11.2022, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution, the police personnel on secret information seized the alleged vehicle, apprehended these



petitioners and recovered in total 281.43 liters of foreign liquor from the said vehicle.

The main submissions advanced by petitioners' counsel are that as per the FIR recovery of the alleged wine was made from a car but as per the seizure list the said recovery is stated to have been made from Obra Sabji Market in Aurangabad District and there is no detail in the seizure list regarding the said recovery made from the alleged car and as per the seizure memo recovery of the alleged wine was made at a crowded public place but no independent person was made witness of the search and seizure and all the witnesses of the recovery of wine are official persons, hence there is no chance of tampering with the evidence as well as influencing the witnesses of the prosecution if the petitioners are released on bail. Further submission is that the petitioners have been chargesheeted and they have fair and clean antecedent and have been languishing in jail since 16.11.2022.

Learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions made by learned counsel for the petitioners and mainly the facts that the investigation has been completed against the petitioners and the



witnesses of the seizure of the wine are official persons and in the trial of the petitioners most of the witnesses who are to be examined are official persons, in my opinion a lenient approach can be taken in respect of the petitioners' prayer for bail. Accordingly, let the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Obra P.S. Case No. 468 of 2022 on the following conditions:-

(1) The petitioners will be released after the framing of charge.

(2) Both the bailors of each petitioner shall be the local residents within the jurisdiction of the Trial Court, having sufficient immovable property.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--

