

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1865 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- KALER District- Jehanabad

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Mahesh Rai S/O Ravindar Rai @ Devendra Rai Resident of village- Saraiya,
P.S.- Sarai, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 4153 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- KALER District- Jehanabad

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Akash Kumar Son of Late Lalan Patel Resident of Village - Saraiy, P.S.-
Saraiy, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 1865 of 2023)

For the Petitioner/s : Mr. Niranjana Parihar, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

(In CRIMINAL MISCELLANEOUS No. 4153 of 2023)

For the Petitioner/s : Mr. Niranjana Parihar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Since both the cases are arising out of same P.S. as

such both the applications are being heard together and disposed

of by this common order.

Heard Mr. Niranjana Parihar, learned counsel for the

petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody



in connection with Kaler P.S. Case No. 92 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is alleged that in course of vehicle checking, police intercepted a Tata Turbo vehicle and in course of search total 1411.56 liters of Indian made foreign liquor was recovered. The petitioners are said to be driver and co-driver of the vehicle.

Learned counsel appearing on behalf of the petitioners submits that the petitioners being driver and co-driver of the vehicle has no concern with the alleged recovery, as the goods were being loaded by the transporter, and they were not even aware as to what was loaded by them. He further submits that the petitioners having fair antecedent, are in custody since 19.10.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted. He next submits that the seizure list witnesses are the police personnel and there is no independent witness, apart from other irregularities.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners having



fair antecedent are in custody for over a period of six months and the charge-sheet has already been submitted, let the petitioners, named above, 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 learned Special Judge Excise-II, Jehanabad in connection with Kaler P.S. Case No. 92 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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