

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71106 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Ashok Roy Son Of Late Nagina Roy Resident Of Village- Mahua Singhroy,
P.S- Mahua, Dist- Vaishali
 2. Bhola Mahto Son Of Late Sunil Mahto Resident Of Village- Mahua
Singhroy, P.S- Mahua, Dist- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with C-1
Case No. 133 of 2021 CIS No. 133/2021 registered for the
offences punishable under Sections 30(a), 56(b) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 563.040 litre foreign liquor from pick up van in question and
petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 22.07.2021 and bear criminal no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no recovery of liquor from possession of the petitioners and the said vehicle in question does not belong to the petitioners. Petitioner no.1 is the driver and petitioner no. 2 is the cleaner of the vehicle

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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, Purnea in connection with C-1 Case No. 133 of 2021 CIS No. 133/2021, 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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