

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1840 of 2019

Arising Out of PS. Case No.-4 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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1. Chandeshwar Bhagat, son of Ganga Bhagat, resident of Sahpur,
P.S.Fatehpur, District-Vaishali and
2. Ajeet Kumar, son of Late Moti Ram, resident of village-Sahpur, Bujurg,
P.S.Fatehpur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since
10.10.2018 in connection with P.R.No.4 of 2018 for the offence
alleged under Sections 30(a) of the Bihar Excise Act, 2016.

The prosecution case as lodged by the informant,
Excise Officials, is that on a secret information, the petitioners
were apprehended in a motorcycle and from their possession
49.545 litres of foreign liquor was recovered. Accordingly a
seizure list was prepared.

It has been submitted by the learned counsel for the
petitioners that they are innocent and bear no criminal history.
He submits that carrying such a huge quantity of about 50 liters
in a motorcycle is wholly improbable and the petitioners have
falsely been implicated. He further submits that there is no



compliance of Section 100 of the Cr.P.C. as the seizure list was never served on the petitioners.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with P.R.No.4 of 2018 to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Judge, Darbhanga, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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