

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25948 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. VISHAL KUMAR, S/o Sri Vijay Ram R/o village- Guthiya, P.S.- Mali, District- Aurangabad
 2. Dharmendra Kumar Paswan @ Dhamendra Kumar Paswan S/o Sri Birja Paswan R/o village- Shaya, P.S.- Mali, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Ms.Veena Rani Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Excise Case
No. 101 of 2019 for offences punishable under Sections 30(a)
and 56(b) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the excise
officials, is that during course of vehicle checking a Maruti
Suzuki Esteem vehicle, being driven by petitioner no. 1 and co-
driver being petitioner no.2, was intercepted and on search 360
litres of country-made wine was recovered concealed under the
back seat. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioners that they are innocent, bear no criminal history,



nothing has been recovered from their conscious possession and they are languishing in judicial custody since 01.03.2019.

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

Considering the nature of allegations and that petitioners do not bear any criminal antecedent, as stated in paragraph 3 of this application, let petitioners, above named, be enlarged on bail on completion of investigation on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-V cum Special Judge (Excise), Gaya, in connection with Excise Case No. 101 of 2019, 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 his relationship with the petitioners.

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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