

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16658 of 2020

Arising Out of PS. Case No.-66 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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1. RAJNISH KUMAR S/o Ramadhar Singh R/o village- Iniyar, P.S.- Muffasil, Lakho O.P., District- Begusarai
 2. Sudhir Kumar @ Sandhir Kumar S/o Amar Singh R/o village- Iniyar, P.S.- Muffasil, Lakho O.P., District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 13-10-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

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

Petitioners apprehend their arrest in a case registered under Section 30(a) of the Indian Penal Code.

Allegation is recovery of 3544.920 litres of foreign liquor from the truck and Bolero Pickup Van and driver of the vehicle was apprehended from spot.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case



only on the basis of suspicion. It has been further submitted that they are neither the driver, nor owner of the vehicle. Nothing was recovered from their possession or house, as such, no offence under Excise Act is made out against them. They are not named in FIR and their name surfaced in this case on disclosure made by co-accused during investigation. Petitioners are not accused in any other excise matter.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II Begusarai cum Special Judge, Bihar Prohibition and Excise Act 2016, Begusarai, in connection with Excise Complaint Case No. 66C-2 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in



the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel their bail bond.

(S. Kumar, J)

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