

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21812 of 2021

Arising Out of PS. Case No.-298 Year-2020 Thana- SAHAR District- Bhojpur

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1. SUBHAM KUMAR Son of Ganesh Prasad Gupta Resident of Village- Sahar, P.S.- Sahar, District- Bhojpur.
 2. Ankit Kumar Son of Ganesh Prasad Gupta Resident of Village- Sahar, P.S.- Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv &
Mr. Raghendra Pratap Singh, Adv
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 22-03-2021 Heard learned counsel for the parties.

Petitioners who are in custody seeks bail in a case registered for the offence punishable under Section 30(A) of Bihar Excise and Prohibition Act, 2016.

Allegation against petitioners is recovery of 119.4 litre of illicit foreign liquor from their house as well as Car parked in the campus.

It is submitted that petitioners are innocent and have been falsely implicated in this case and allegation in the FIR is against their father of selling liquor from his house with help of petitioners. Nothing has been recovered from their conscious



possession. No independent witness are witness of seizure list. Petitioners are students of B.Tech and B.Sc.(Honours) and 7th Semester examination of Subham Kumar (petitioner no. 1) is scheduled on 22.03.2021.

Petitioners have got no criminal antecedent and are in custody since 30.12.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Excise Case No. 2106 of 2020 arising out of Sahar P.S. Case No. 298 of 2020**, 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(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.

(S. Kumar, J)

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