

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22825 of 2021

Arising Out of PS. Case No.-736 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

1. ANJESH KUMAR S/o Brahmdev Mahto R/o Village- Khanjhapur, P.S.- Cheriabariyarpur, District- Begusarai.
2. Raushan Kumar Son of Hiralal Mahto R/o Village- Panchopur, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Begusarai Town (Lohiya Nagar O.P) P.S. Case No. 736 of 2020, registered under Section 30(a) and 32 of the Bihar Excise and Prohibition Act, 2016.

The prosecution case, in brief, is that while officer-in-Charge of Town P.S. was patrolling at 5.00 A.M. searched the motorcycle of the petitioners and altogether 50 litres of Mahua wine was recovered from the possession of these two petitioners.

Learned counsel appearing for the petitioners submits that in view of statement made in paragraph No.3 of



the petition, he submits that he was earlier granted bail vide order dated 15.04.2014 passed in Criminal Miscellaneous No. 6834 of 2014 for the offence punishable under Section 364, 366/34 of the Indian Penal Code. He further submits that petitioner is a student and he has falsely been implicated in this case. He further submits that the seizure-list is not reliable, which was prepared at the local Police Station and his signature was taken under coercion. He further submits that petitioner is in custody since 29.12.2020 and as such petitioner be released on bail.

Learned A.P.P. appearing for the State submits that huge quantity of illicit liquor has been recovered from the possession of these petitioners and as such they do not deserve to be released on bail.

Having considered the facts and circumstances of the case and submission made by the petitioners that they have clean antecedent, let the petitioners be released on bail on furnishing bail bond of Rs. Twenty five thousand with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Begusarai Town (Lohiya Nagar O.P) P.S. Case No. 736 of 2020, subject to the 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.

(3) If the petitioners tamper 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 petitioner.

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

(Purnendu Singh, J)

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