

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24110 of 2021**

Arising Out of PS. Case No.-73 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

-
1. Amit Kumar aged about 20 years, S/o Mr. Manoj Kumar Singh Resident of Village- Loharabad, P.S. - Piro, District - Bhojpur (Ara).
 2. Raja Kumar aged about 20 years, S/O Mr. Ram Kishor Singh @ Rajakeshwar Singh Resident of Village- Laxmipur, P.S. - Athar, District - Bhojpur (Ara).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate
For the Opposite Party/s : Mr.Jai Naraian Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-12-2021 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The petitioners who are in custody since 19.1.2019 seeks regular bail in connection with Excise Case No. 73 of 2021 arising out of Excise Department Case No. 28 of 20-21 for the offence punishable under section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution story in short is that altogether 328 liters and 6.25 ml. Liters of illicit liquor was recovered from the Maruti Suzuki Ritz car bearing registration no. WB74X7533.

Learned counsel appearing on behalf of the petitioners submits that they were apprehended while the illicit alleged



liquor was recovered from above mentioned car. It is further submitted that neither the said vehicle is registered in the name of the petitioners nor the alleged liquor belongs to them. It is further submitted that the petitioners have falsely been implicated in the present case and as such the petitioners be released on bail also considering the period of incarceration i.e. 19.1.2021.

Learned counsel appearing on behalf of the State however opposes the prayer for grant of regular bail to the petitioners taking into the recovery of huge quantity of liquor.

Considering the above mentioned facts and circumstances, the court below will verify the owner of the Maruti Suzuki Ritz car bearing registration no. WB74X7533 and if it is found that the said vehicle is not registered in the name of the petitioners, the petitioners, named above, be released on bail subject to furnishing bail bond of Rs. 2,00,000/- (Two lakhs) with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-II cum Special Judge Excise, Kaimur at Bhabhua, in connection with Excise Case No. 73 of 2021 arising out of Excise Department Case No. 28 of 20-21 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 petitioners.

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

It is directed that before releasing the petitioners on bail, the court below shall verify criminal antecedent of the petitioners and in case any other offence is found to be registered against the petitioners, this order shall automatically loose its effect.

(Purnendu Singh, J)

Ravi/-

U		T	
---	--	---	--

