

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9335 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- AGAMKUAN District- Patna

1. Bikash Chandra Diwana Son of Chandrakant Prasad Dev Resident of Poddi Bela, P.S.- Ghanshyampur, Dist.- Darbhanga at present Transport Nagar, P.S.- Agamkuan, Dist- Patna.
2. Manish Kumar Son of Ramsagar Paswan Resident of Kakimganj Gulzarbagh, P.S.- Mehandiganj, Dist- Patna.
3. Vijay Kumar Gupta Son of Late Sitaram Saw Resident of Village-Dundibazar, Patna City, P.S.- Chawk, Dist- Patna.
4. Kamlesh Kumar Singh Son of Late Shivji Singh Resident of Daulatpur, P.S.- Chandi, Dist- Nalanda at present transport Nagar, P.S.- Agamkua, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Sinha

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioners seek bail in connection with Agamkua
P.S. Case No. 40 of 2022 registered for the offence under
Sections 30 (a), 30 (c), 32, 33, 34, 36 and 41 (1) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 20.01.2022.



The allegation against the petitioners is to engage as a labour in a godown where 880 liters of illicit industrial spirit was seized.

Learned counsel appearing on behalf of the petitioners submitted that all petitioners are engaged as a labour for loading and unloading of consignments in godown and have no connection with any manufacturing activities or illegal use of spirit which was recovered. It has further been submitted that petitioners are persons with clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that petitioners are engaged as labour in the godown and have no connection with any manufacturing activities or illegal use of spirit which was recovered.

Considering the facts and circumstances as mentioned above, as petitioners are engaged as labour in the godown and have no connection with any manufacturing activities or illegal use of spirit which was recovered coupled with the fact that petitioners are persons with clean antecedent, let the petitioners, above named, are directed to be released on bail in connection with Agamkua P.S. Case No. 40 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be the close relative of the accused/ petitioners like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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