

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26831 of 2022

Arising Out of PS. Case No.-303 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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1. ANKIT KUMAR Son of Sri Ram Niwas Singh Resident of village - Lkhanpar, P.S.- Punpun, District - Patna.
 2. Abhishek Kumar Son of Sri Papu Singh Resident of village - Lakhanpar, P.S.- Punpun, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with G.O. No. 305/22 arising out of Rajauli Samekit Enquiry Chauki Thana Rajauli (Excise) registered for the offences punishable under Section 30(a) of Excise Act.

As per prosecution case, there is alleged recovery of 24.750 litre foreign wine and 500 Ml bear from suitcase of petitioners and they were arrested by the police on the spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 27.03.2022 and bear no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that nothing has been recovered from conscious possession of the petitioners and they have been falsely implicated in this case mere on suspicion.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, prosecution report has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail 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 No. 2, Nawada in connection with G.O. No. 303/22 arising out of Rajauli Smekit Enquiry Chauki Thana Rajauli (Excise), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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