

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29906 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

1. Manish Kumar @ Kanhaiya @ Kanhai,
2. Rahul Kumar,
Both sons of Arvind Prasad @ Arvind Patel R/O Village- Chhit
Bhagwatipur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Ms.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 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.

The petitioners seek bail in connection with Ahiyapur
P.S. Case No. 235/2022 registered for the offences punishable
under Sections 8/20(b) (ii)(A) of the N.D.P.S. Act and Sections
30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
750 ml. Foreign liquor from the possession of each petitioner.
The petitioners were apprehended on the spot and there is
further alleged recovery of 150 gm Ganja from the possession of



co-accused, Akash Kumar and 200 gm Ganja from the possession of co-accused, Dipak Kumar and they were also apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case dirty local politics. Nothing has been recovered from the conscious possession of the petitioners. He further submits that seizure list has not been prepared as per law and during course of investigation no cogent evidence has come against the petitioners. The petitioners are languishing in custody since 25.03.2022 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioners 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



Exclusive Special Judge, Excise Court No.1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 235/2022, 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 without appropriate permission, 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)

amitkumar/-

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

