

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43053 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- HASANPUR District- Samastipur

1. PINTU KUMAR Son of Udgar Mahto Resident of village- Malikana, P.S- Rosera, Dist- Samastipur
2. Abhay Kumar Son of Parmanand Pramesh Resident of village- Dumra, P.S- Hasanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-10-2022 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 Excise G.R. No. 349/2022 arising out of Hasanpur P.S. Case No. 105/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 25(1-B)a/26/35 of the Arms Act.

As per prosecution case, there is alleged recovery of total 190.080 liters foreign liquor from the room of Government Veterinary Hospital. It is further alleged that one loaded country



made pistol has been recovered from the possession of co-accused, Vikash Prasad Singh. The petitioners and others apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are languishing in custody since 17.04.2022 and bear no criminal antecedent. As per FIR, it appears that no incriminating article has been recovered from the conscious possession of the petitioners. He further submits that the alleged seized motorcycles do not belong to these petitioners. One loaded country made pistol has been recovered from the possession of co-accused, Vikash Prasad Singh.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, Samastipur in connection with



Excise G.R. No. 349/2022 arising out of Hasanpur P.S. Case No. 105/2022, 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)

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