

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48006 of 2022

Arising Out of PS. Case No.-296 Year-2022 Thana- PATNA GRP CASE District- Patna

1. Avinash Kumar @ Avinash Kumar Singh, Son of Ram Nath Rai, R/V- Kursaha Ward No. 1, P.S- Mohaddi Nagar, Dist- Samastipur
2. Himanshu Kumar Singh @ Himanshu Kumar, Son of Mani Kumar Singh, R/V- Barki Beri, P.S- Mohaddi Nagar, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Special Case No. 2721 of 2021 arising out of
G.R.P.S. Patna Jn. P.S. Case No. 296 of 2022 registered for the
alleged offences under Section 273 of the Indian Penal Code
and Section 30(a) of the Bihar Excise Amendment Act, 2018.

As per prosecution case, during the course of the
checking at platform, police party saw two youths with three
trolley bags who got down from the train and on seeing the



police party they tried to flee away leaving behind their trolley bag but they were apprehended and recovery of total 114 litres of India made foreign liquor was made from the trolley bags

The learned counsel for the petitioners submit that the petitioner is innocent and has been falsely implicated in this case merely on the basis of suspicion. Nothing incriminating has been recovered from their conscious possession. The trolley bag does not belong to the petitioners. The petitioners are in custody since 22.05.2022 and charge-sheet has been submitted and investigation is complete.

Learned APP opposes the prayer for bail submitting that petitioner no.1 is accused in one more case though the petitioner no.2 is having clean antecedent.

Having regard to the submissions made hereinabove and considering their period of custody and the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Patna in connection with Special Case No. 2721 of 2021 arising out of G.R.P.S. Patna Jn. P.S. Case No. 296 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) The bail bond of the petitioner no.1 will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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