

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53858 of 2022**

Arising Out of PS. Case No.-267 Year-2022 Thana- DHURAIYA District- Banka

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1. MANISH KUMAR S/O Manoj Swarnkar Resident of- Mehnatpur, P.S.- Korha, District- Katihar
  2. Gourav Kumar @ Gourav Kumar Swarnkar S/O- Gopal Swarnkar Resident of- Dumar, P.S.- Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhimanyu Deo

For the Opposite Party/s : Mr.Rita Verma

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      14-10-2022                      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 petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Special Excise Case No. 639 of 2022 arising out of Dhoraiya P.S. Case No. 267 of 2022 registered for the offences punishable under Sections 30(a)(g) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 204.09 litres of illicit foreign liquor from the car in question. The petitioner no. 1 is alleged to be the driver of the said case



and petitioner no. 2 is seated inside the car.

Learned counsel for the petitioners submits that petitioner is in custody since 18.07.2022. Petitioners bear no criminal antecedent. Learned counsel further submits that the petitioners are innocent and have not committed any offence as alleged in the F.I.R. The petitioners are not the owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioners.

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 as well as period of custody, keeping in view clean antecedent of the 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Banka in connection with special Excise Case No. 639 of 2022 arising out of Dhoraiya P.S. Case No. 267 of 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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