

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2326 of 2023

Arising Out of PS. Case No.-1058 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. ARVIND KUMAR Son of Ram Swaroop Yadav R/v- Deo Silar Kala P.S.
Deo District- Aurangabad
 2. LOVE KUMAR Son of Sri Ram R/v- Daud Nagar, P.S.- Daud Nagar,
District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in a case registered for the
offence under Sections 30(a) and 56(b) of the Bihar Prohibition
and Excise Amendment Act, 2018.

Recovery is of 207.360 liters of foreign liquor.

Learned counsel appearing for the petitioners submits
that the petitioners have clean antecedent. They have falsely
been implicated in the present case. He further submits that the
petitioners are Co-Driver and Driver of the vehicle in question
and the petitioners have no concern at all with the alleged
recovery of illicit liquor and the police, after investigation,



submitted chargesheet against the petitioners and the petitioners are in custody since 09.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, nothing has been recovered from conscious possession of the petitioners and the petitioners have clean antecedent, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Excise Case No. 1058 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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