

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2424 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- MADANPUR District- Aurangabad

1. DHANJAY KUMAR @ DHANANJAY KUMAR @ DHANANJAY BHUIYA Son of Sudhesh Rikiyasan @ Suresh Bhuiya Resident of Village- Siraundha Umga, P.S.- Madanpur, District- Aurangabad
2. RAM SHANKAR BHUIYA @ RAMA SHANKAR BHUIYA @ SOHAN BHUIYA Son of Chhedi Bhuiya Resident of Village- Siraundha Tola, Azad Nagar, P.S.- Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Section 30(a)(b)(d) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 70 liters of Mahua Liquor.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that the recovery has been made from the forest area and not from petitioners conscious possession or the house of the petitioners. He further submits



that petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the name of the petitioners have been transpired on the basis disclosure made by the Chawkidar and no other cogent material has come during investigation against these petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in custody since 09.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, petitioners have clean antecedent and nothing has been recovered from the conscious possession of the petitioners and name of the petitioners have been transpired on the basis of disclosure made by the Chawkidar, 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 Madanpur P.S. Case No. 393 of 2022, subject to 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 bond 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.

3. 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 antecedent, 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)

mdrashid/-

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

