

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3620 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- AGIAON District- Bhojpur

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1. Subhash Singh, Son of Late Lal Bahadur Singh, R/v- Vishambhara, P.S.- Agiaon (Garhani), District- Bhojpur
 2. Chintu Kumar @ Chintu Singh, Son of Sri Subhash Singh, R/v- Vishambhara, P.S.- Agiaon (Garhani), District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, 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 Agiaon (Garhani) P.S. Case No. 123 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about F.I.R. named 8 co-accused persons including
these two petitioners manufacturing illicit country made liquor.
A raid was conducted at the identified place and recovery of
3400 liters of raw material for *mahua* liquor and 70 liters of



illicit mahua liquor was made from beneath the ground and the raw material got destroyed during extraction. The petitioners and other co-accused are stated to have fled away from the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners, who were not apprehended from the spot and except for confidential information nothing has come up against these petitioners. Charge sheet has been submitted in this case and the petitioners are in custody since 14.11.2022. One of the co-accused person namely Kheer Mohan Singh has been granted anticipatory bail vide order dated 20.01.2023 passed in Cr. Misc. No. 73407 of 2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the petitioners are having criminal history.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioners were not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the



petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Bhojpur Ara in connection with Agiaon (Garhani) P.S. Case No. 123 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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