

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4883 of 2023

Arising Out of PS. Case No.-687 Year-2022 Thana- KANTI District- Muzaffarpur

1. DEEPAK KUMAR S/O SANJAY Resident of Village- Farman, P.S.- Meham, District- Rohtak (Hariyana).
2. ASHISH KUMAR S/O BALWAN Resident of Village- Farman, P.S.- Meham, District- Rohtak (Hariyana).
3. ABHISHEK KUMAR S/O JAGPAL R/V- Pali, PS- Narnound, Dist- Hisar (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Kanti P.S. Case No. 687 of 2022 dated 11.10.2022 registered for the offence under Sections 30(a), 32(ii), 32(ii), 36 and 41(i) of the Bihar Prohibition and Excise Act.

Recovery is of 630 liters of foreign liquor.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. and the



seizure list that nothing been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the vehicle in question. He further submits that there is non-compliance of Section 100 Cr.P.C. while preparing the seizure list. He further submits that the petitioners have no concern at all with the alleged liquor and the vehicle in question. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 11.10.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Exclusive Special Judge Excise, Court No. II, Muzaffarpur in connection with Kanti P.S. Case No. 687 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 bond shall be canceled 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 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)

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