

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12016 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

1. AMAN KUMAR Son of Sunil Mahto Resident of Village - Sekuchak Mathiyapur, P.S.- Shahpur, District - Bhojpur.
2. Saurab Kumar Son of Gauri Shankar Prasad Resident of Village - Barbigaha, P.S.- Shekhpura, District - Shekhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Buxar Rail P.S. Case No. 208 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Excise and Prohibition(Amendment) Act.

As per prosecution case, there is alleged recovery of total 1214 litre illicit liquor from the possession of petitioners and other co-accused persons. Petitioners alongwith other apprehended on spot.

Learned counsel for the petitioners submits that petitioners are in custody since 31.12.2022 and bear no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1st, Bhojpur at Ara in connection with Buxar Rail P.S. Case No. 208 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)

vashudha/-

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