

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12093 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- DHANKUND District- Banka

1. ABHINAV ANAND @ ABHINAV KUMAR ANAND S/O GIRISH PRASAD SINGH Resident of Village- Sahmaura, P.S.- Sonbarsa Raj, District- Saharsa.
2. DILKHUSH KUMAR SINGH @ DILKHUSH KUMAR S/O NIRMAL KUMAR SINGH Resident of Village- Sahmaura, P.S.- Sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Pushpa Sinha

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 Special Excise Case No. 1910 of 2022 arising out of Dhankund P.S. Case No. 132 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

As per prosecution case, there is alleged recovery of 99 litre country made liquor from the car in question. Petitioner no. 1 is alleged to be owner of the said car and Petitioner no. 2 is found sitting in the said car and both were apprehended on spot.



Learned counsel for the petitioners submits that petitioners are in custody since 14.12.2022. He further submits that petitioner no.1 bears no criminal antecedent and petitioner no. 2 bears three 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, 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 petitioner no. 1 namely Abhinav Anand be released on bail and petitioner no. 2 namely Dilkhush Kumar Singh be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Banka in connection with Dhankund P.S. Case No. 132 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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