

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22583 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- MALSALAMI District- Patna

1. SHIV SHANKAR KUMAR S/O- RAJ KUMAR CHOUDHARY Village-
Kaliasthan PS- Malsalami Dist- Patna
2. Satendra Kumar son of Misri Rai Mohalla- Vishal Apartment PS- Pirbahore
Dist- Patna at present- Mohanpur PS- Raghonpur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with
Malsalami P.S. Case No. 60 of 2023 registered for the offences
punishable under Sections 30(a) and 36 of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 60 litres of mahua country-made liquor from the Jute bag in
question. Petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence and they
have falsely been implicated in this case. Petitioners are in



custody since 29.01.2023 and bear no criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioners.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Malsalami P.S. Case No. 60 of 2023, 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)

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