

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26548 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- SINGHIYA District- Samastipur

1. CHOUTU KUMAR SAH @ CHHOTU SAH @ CHOTU KUMAR SAHU
Son of Gulchan Sahu Residence of Vill.- Singhiya, P.S.- Singhiya, Distt.-
Samastipur.
2. Shivam Sharma Son of Krishna Kumar Sharma R/O Lakhat Colony 312/A,
Mithapur, South Delhi. Permanent address R/O Vill.- Kachnama, P.S.-
Belaganj, Distt.- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with
Excise G.R. No. 109 of 2023 arising out of Singhiya P.S. Case
No. 21 of 2023 registered for the offences punishable under
Sections 30(a) of the Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 734.400 litre foreign liquor from mango orchard of late
Satish Giri. It is further alleged that petitioners were
apprehended on the spot.

Learned counsel for the petitioners submits that
petitioners are innocent and have falsely been implicated in the



present case. He further submits that petitioners are in custody since 11.02.2023 and bear no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, 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 Special Excise Judge I, Samastipur in connection with Singhiya P.S. Case No. 21 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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