

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 22577 of 2023**

Arising Out of PS. Case No.-284 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Patna

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1. TARKESHWAR RAI Son of Late Mithlesh Rai Resident of Village - Bhattha Road, Ward No.- 19, Danapur, Police Station - Danapur, District - Patna.
  2. Rahul Kumar Son of Sri Ram Ekbal Rai Resident of Village - Bhattha Road, Ward No.- 19, Danapur, Police Station - Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sudish Kumar  
For the Opposite Party/s : Mr.Meena Singh

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**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 Special Case No. 1851 of 2023 (arising out of Excise (Patna) P.S. Case No. 284 of 2023) registered for the offences punishable under Sections 30(a)/56 (b) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 114.120 litres of foreign liquor from the Dala of Tempo 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 21.02.2023 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 in connection with Special Case No. 1851 of 2023 (arising out of Excise (Patna) P.S. Case No. 284 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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