

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22105 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- TAJPUR District- Samastipur

1. MD CHAND Son of Late Md Shamsul R/V- Tajpur Pani Tanki Baheriyatola,
PS- Tajpur Dist- Samastipur
2. Md Gulshad Son of Late Md Shamsul R/V- Tajpur Pani Tanki Baheriyatola,
PS- Tajpur Dist- Samastipur

... .. 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.Shyameshwar Dayal

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.

The petitioners seek bail in connection with Tajpur
P.S. Case No. 53 of 2023 registered for the offences punishable
under Sections 120 B, 420, 419, 467, 468 of I.P.C. and under
Section 30(c), (d), (g) / 32 / 41 of the Bihar Excise (Amendment
Act) 2016.

As per prosecution case, there is alleged recovery
of 1909 empty bottles of illicit liquor from the husk house of the
petitioners and they are apprehended on the spot.

Learned counsel for the petitioners submits that
petitioners are innocent and have committed no offence as



alleged against them in FIR and they have falsely been implicated in the present case. He further submits that petitioners are in custody since 03.02.2023 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. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge -II, Samastipur in connection with Tajpur P.S. Case No. 53 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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