

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23062 of 2023

Arising Out of PS. Case No.-572 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. HIRALAL TANTI Son of Late Baiju Sharma Resident of village- Maheshkhunt Ward No. 5, P.S.-Maheshkhunt, District-Khagaria
 2. RAJA KUMAR Son of Shravan Ram Resident of village-Maheshkhunt Ward No. 6, P.S.-Maheshkhunt, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Mr.Vinod Shanker Modi

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 Excise
P.S. Case No. 572 of 2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
169.850 litre foreign liquor from the vehicle in question. It is
further alleged that petitioner no. 1 is driver of the said vehicle
and petitioner no. 2 is found sitting in the said vehicle and they
are apprehended on the spot.

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



have falsely been implicated in this case. Petitioners are in custody since 26.02.2023 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 of 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 Exclusive Special Excise Judge-II, Purnea in connection with Excise P.S. Case No. 572 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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