

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26774 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- BARARI District- Katihar

1. PANKAJ KUMAR SON OF MANIK CHANDAN SAHANI @ MANIK CHAND SAHNI RESIDENT OF VILLAGE- SISIYA BANDH, PS- BARARI, DISTT- KATIHAR
2. SUJIT KUMAR @ SUJEET KUMAR SON OF LAKHI SAHANI RESIDENT OF VILLAGE- SISIYA BANDH, PS- BARARI, DISTT- KATIHAR
3. KHANTAR MANDAL SON OF LATE KHOKHA MANDAL RESIDENT OF VILLAGE- SISIYA BANDH, PS- BARARI, DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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 Barari
P.S. Case No. 93 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery
of 652.980 litre foreign liquor from the maize field. It is further
alleged that petitioner no. 1 and petitioner no. 2 were
apprehended on the spot. It is further alleged that the alleged
recovery was kept at the under construction house of petitioner
no. 3 and he was not apprehended on the spot.



Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. He further submits that petitioners are in custody since 21.03.2023 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 Exclusive Special Excise, Court no. 01, Katihar in connection with Barari P.S. Case No. 93 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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