

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26771 of 2023**

Arising Out of PS. Case No.-68 Year-2023 Thana- BISFI District- Madhubani

1. BAIDYANATH KUMAR CHAUPAL @ BAIJNATH KUMAR CHAUPAL  
Son of Biso Das Resident of village-Singiya Ghat, Police Station-Bisfi,  
District-Madhubani
2. MITHILESH KUMAR DAS Son of Budhan Das Resident of village-  
Singiya Ghat, Police Station-Bisfi, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Jha  
For the Opposite Party/s : Mr.Nityanand

**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 Bisfi  
P.S. Case No. 68 of 2023 registered for the offences punishable  
under Sections 272, 273, 34 of the I.P.C. and under Section  
30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery  
of 450 litre country made Nepali liquor from black coloured car  
in question. It is further alleged that both petitioners were  
working as a liner and they were apprehended on the spot.

Learned counsel for the petitioners submits that  
nothing incriminating article has been recovered from the



conscious possession of the petitioners and he has falsely been implicated in the present case. He further submits that petitioners are in custody since 03.03.2023 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 Court of Additional Sessions Judge-II cum Special Judge Excise Act, Madhubani in connection with Bisfi P.S. Case No. 68 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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