

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29589 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. CHIKKU KUMAR SON OF SIKANDAR YADAV @ SIKINDAR YADAV
VILLAGE BIJALPUR WARD NO 2, PS BIHRA ,DISTRICT SAHARSA
 2. SANTOSH KUMAR SON OF LATE FAGU YADAV RESIDENT OF
VILLAGE- BIJALPUR, WARD NO. 1, PS- BIHRA DISTT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil 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 Special
Case No. 293 of 2023 arising out of Kishanganj Excise P.S.
Case No. 274 of 2023 registered for the offences punishable
under Sections 30(a), 32(3) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
171 litre foreign liquor from the car in question which was
being driven by the petitioner no. 1. Petitioner no. 2 was also
found sitting in the said car and both were apprehended on the
spot.



Learned counsel for the petitioners submits that petitioners are in custody since 01.03.2023. Petitioner no. 2 bears no criminal antecedent and petitioner no. 1 bears three criminal antecedent out of which two cases are of similar nature.

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, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner no. 2, namely, Santosh Kumar who bears no criminal antecedent, be released on bail and petitioner no. 1, namely, Chikku Kumar who bears two criminal antecedent of similar nature, be released on bail, **after framing of charge** on their furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum Special Judge, Excise-2, Kishanganj in connection with Special Case No. 293 of 2023 arising out of Kishanganj Excise P.S. Case No. 274 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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