

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29952 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- KESARIA District- East Champaran

1. RAKESH KUMAR Son of Anil Ray @ Anil Kumar Resident of Village - Husaini Thath, Ward No.- 12, P.S.- Dumariyaghat, District - East Champaran.
2. Abhishek Kumar Son of Krishna Yadav Resident of Village - Husaini Thath, Ward No.- 12, P.S.- Dumariyaghat, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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 Kesariya P.S. Case No. 59 of 2023 registered for the offences punishable under Sections 413, 414, 272, 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

As per prosecution case, there is alleged recovery of 55 litre country made liquor from the motorcycle in question and petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in



the present case. He further submits that petitioners are in custody since 05.02.2023 and bear no criminal antecedent. He further submits that search and seizure was not made in accordance with law.

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 Court No. 2, East Champaran, Motihari in connection with Kesariya P.S. Case No. 59 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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