

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29395 of 2023**

Arising Out of PS. Case No.-106 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. ADARSH RAJ @ RANJAN S/O LATE MAKHAN MAHTO R/O Village- Mustafapur, P.S- Bibhutipur, Distt.- Samastipur.
2. Santosh Kumar @ Aaudau S/O Ramjee Das R/O Village- Raghuvarpur, Ward No.-7, P.S- Dalsinghsarai, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dilip Kumar Roy  
For the Opposite Party/s : Mr.Shailendra Kumar Singh

**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 Bibhutipur P.S. Case No. 106 of 2023 registered for the offences punishable under Section 272, 273, 420, 467, 468, 471, 120(B) 30(a), 30(b), 32, 41, 62 of the Bihar Prohibition and Excise Act 2022.

As per prosecution case, there is alleged recovery of 1707.09 liter foreign liquor from the several vehicles in question. Petitioners alongwith others are apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody 22.03.2023. Petitioner No. 1 bears two criminal antecedents out of which one case is of similar nature and petitioner no. 2 bears one criminal antecedent which is not of similar nature. He further submits that petitioners are quiet innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners.

The learned A.P.P. for the State vehemently 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. 1 be released on bail after framing of charge and petitioner no. 2 be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Samastipur in connection with Bibhutipur P.S. Case No. 106 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of the person who has sworn the affidavit in bail application.



(ii) Petitioner 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 petitioner tampers 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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