

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29688 of 2023

Arising Out of PS. Case No.-464 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. UDAY KUMAR Son of Sri Arjun Prasad Jaiswal Resident of village-Bishahariya Ward No. 14, P.S.-Barhara Kothi, District-Purnea
 2. PINTU KUMAR JAISWAL Son of Sri Arjun Prasad Jaiswal Resident of village-Bishahariya Ward No. 14, P.S.-Barhara Kothi, District-Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Special Case No. 492 of 2023 arising out of Excise P.S. Case No. 464 of 2023 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of 319.500 litre illicit foreign liquor from black coloured car in question. It is further alleged that petitioner no. 1 was driver of the said car and 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 innocent and have committed no offence as alleged against them in FIR and they have falsely been implicated in the present case. He further submits that petitioners are in custody since 04.04.2023 and bear no criminal antecedent. No incriminating article has been recovered from the conscious possession of petitioners.

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 4th Additional District and Sessions Judge -cum- Special Judge Excise II, Kishanganj in connection with Special Case No. 492 of 2023 arising out of Excise P.S. Case No. 464 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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