

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30031 of 2023

Arising Out of PS. Case No.-66 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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1. Bikash Kumar @ Baudhu @ Baudhu Kumar @ Baudhu Kr Son of Ganesh Singh Resident of Village-Iniyar, PS-Muffasil Lakho OP, Dist-Begusarai
 2. Chhotu Kumar @ Arun Kumar @ Chhotu @ Chhotan Son of Late Indradeo Singh @ Indradeo Singh Resident of Village-Iniyar, PS-Muffasil Lakho OP, Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Complaint Case No. 66C2 of 2019, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

As per allegation, from a truck, total 2877.120

litres and from a pickup van, total 939 litres of Indian Made

Foreign Liquor were recovered. It is alleged that the

petitioners managed to escape from the place of seizure.

Learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the petitioners were not apprehended from the spot and maliciously, on the basis of suspicion, the petitioners have been roped in the present case. The alleged vehicles do not belong to the petitioners.

He further submits that the petitioners have been languishing in jail since 10.04.2023.

It has also been stated in paragraph no. 3 of the bail petition that apart from the present case, the petitioner no.1 is also made accused in 2 other cases, whereas petitioner no.2 is also made accused in four other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners,



above- named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Begusarai, in connection with Complaint Case No. 66C2 of 2019, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. they must be available to the police or the court whenever his presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have concealed their criminal



antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail-bond will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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