

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36209 of 2023

Arising Out of PS. Case No.-80 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Vishal Kumar son of Ranjan Singh Village- Bari Aghu Ps- Muffasil Dist-
Begusarai
 2. Kunal Kumar son of Ranjan Singh Village- Bari Aghu Ps- Muffasil Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2023 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioners seek bail in connection with Muffasil

P.S. Case No. 80 of 2021 registered for the offence under

Section 120-B of the Indian Penal Code and under Sections

30(a) and 41(1) of the Bihar Prohibition and Excise

(Amendment) Act, 2018.



The accused/petitioners are named in the F.I.R., where petitioner no. 1 is in custody since 26.04.2023 and petitioner no. 2 is in custody since 27.04.2023.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1298.985 litres of IMFL/country made liquor from the alleged vehicles.

Learned counsel appearing on behalf of the petitioners submitted that the name of both petitioners surfaced on the basis of disclosure made by driver of the vehicle and, apparently, no incriminating material or illicit liquor appears to be recovered from the physical possession of these petitioners. It is submitted that implication of petitioners with present case out of suspicion arises from 17 criminal antecedents of similar nature, where petitioners are on bail and in almost all cases, the name of petitioners surfaced on the basis of disclosure of the co-accused, having otherwise no bearing over the merit of the case.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the physical possession of petitioners, where petitioner no. 1 is in custody since 26.04.2023 and petitioner no.



2 is in custody since 27.04.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Muffasil P.S. Case No. 80 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i) That the petitioners shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on



medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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