

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36098 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- AMBA District- Aurangabad

1. ANKIT KUMAR S/o Pappu Singh R/o village-Halka, P.S.-Hariharganj, District-Palamu (Jharkhand)
2. SHUBHAM KUMAR S/o Sunil Singh R/o village-Baliya, P.S.-Amba, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Amba P.S. Case No. 99 of 2023 registered for the offences punishable under Section 279 of the Indian Penal Code and under Sections 30(a)/37 of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 234 liters country made liquor from three motorcycles in question. Petitioners are apprehended on spot.

Learned counsel for the petitioners submits that petitioners are in custody since 26.04.2023. Petitioner No. 1 bears one criminal antecedent of similar nature and petitioner



no. 2 has no criminal antecedent. Learned counsel further submits that the petitioners are innocent and have committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 of the Cr.P.C.

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 as well as period of custody, argument advanced on behalf of the petitioners 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, I, Aurangabad in connection with Amba P.S. Case No. 99 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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