

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41049 of 2023

Arising Out of PS. Case No.-829 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. VISHU KUMAR @ BISHU KUMAR Son of Rameshwar @ Nepali Prasad @ Nepali Saw Resident of Village - Salimpur Ahra Daldali Road, Police Station - Gandhimaidan, District - Patna.
 2. Niraj Kumar Son of Late Ramashish Basafor Resident of Village - Salimpur Ahra Daldali Road, Police Station - Gandhimaidan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are in custody since 18.05.2023 in connection with (Excise (Prohibition) Patna P.S. 829 Case No. of 2023) for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act- 2016, and Amendment Act- 2022 lodged on 17.05.2023 by the informant Rakesh Kumar Singh.

As per the prosecution story, the police upon information raided the house of one Dharmendra Kumar arrested the two petitioners along with 165.600 liters of English Liquor as they failed to give satisfactory answer were arrested



and the F.I.R.

The case of the petitioners is/are that the house belongs to late Dharmendra Kumar and they have no role to play in the matter and have already suffered by being in custody since 18.05.2023 (as stated in para 11 in the bail application).

Learned APP opposes the prayer alleging that there is recovery of 165.600 liters of English liquor.

Considering the aforesaid submission put forward by the learned counsel for the petitioner that the recovery is from the house of the late Dharmendra Kumar and they have remained in custody, as stated above, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise Patna, in connection with Special Case No.- 4310/2023 (arising out of Excise (Prohibition) Patna P.S. 829 of 2023) subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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