

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45393 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- MUFFASIL District- Aurangabad

1. PINTU @ MINTU CHAUDHARY Son of Gopal Choudhary Resident of village - Mahua Shahid, P.s. - Aurangabad Town, Distt. - Aurangabad (Bihar)
2. Kundan Kumar Son of Anirudha Yadav Resident of village - Pandeypur, P.S. - Aurangabad Mufassil, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners seek bail, who are in custody since 26.05.2023, in connection with Aurangabad Muffasil P.S. Case No. 206 of 2023, F.I.R. dated 25.05.2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of 112.650 litres of country made liquor.

4. Learned counsel for the petitioners submits that the petitioner no.1 carries one more criminal antecedent other than the present one whereas petitioner no. 2 has clean



antecedent and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the vehicles in question. He further submits that it appears from the seizure list that altogether 112.650 litres of country made liquor was recovered from the vehicles in question and the petitioners are in custody since 26.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and nothing has been recovered from the conscious possession of the petitioners, 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 Special Judge, Excise-I, Aurangabad in connection with Aurangabad Mufassil P.S. Case No. 206 of 2023, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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