

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50913 of 2023

Arising Out of PS. Case No.-276 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. AMAN KUMAR S/O RAUSHAN MAHTO R/O Village- Beer Singh Colony, Budh Bihar, Phase-2, Rohini Sector 24, P.S- Sector-5, Budh Bihar, North West Delhi.
2. Vishesh Kumar @ Vishesh S/O Murari Lal R/O Village- Dhani Pur Mandi, P.S and Distt.- Aligarh (Uttar Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar,Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 12.06.2023 in connection with Kuchaikote P.S. Case No. 276 of 2023, F.I.R. dated 09.06.2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 442.740 liters of foreign liquor.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that



nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the vehicle in question and there is non-compliance of Section 100 of Cr.P.C. and petitioner No.1 is owner-cum-driver and petitioner No.2 is co-driver of the vehicle in question and the petitioners are in custody since 12.06.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, nothing has been recovered from possession of the petitioners, having clean antecedent, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 276 of 2023, with the following conditions:-

(I) One of the bailors should be father of the petitioners, namely, Raushan Mahto and Murari Lal.

(II) 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 bond shall be cancelled by the Court below.

(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.

(IV) 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 antecedent, 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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