

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50876 of 2023

Arising Out of PS. Case No.-684 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. Sunil Kumar Son Of Badsah Resident Of Village- Nagla Mukundi, Ps-I.T.I. , Distt- Itwa U.P.
 2. Himanshu Singh Son Of Uttam Singh Resident Of Village- and P.S- Sadarpur Sector 45, Distt- Gautam Budh Nagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 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 04.07.2023 in connection with Excise P.S.Case No.684 of 2023, F.I.R. dated 04.07.2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of 754.200 liters of Indian made 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 altogether 754 liters and 200 Ml of Indian made Foreign liquor was recovered from the Pick-Up-Van in question and petitioner No.1 is driver and petitioner No.2 is Assistant Driver of the Pick-Up-Van in question and they have no concern at all with the alleged recovery of illicit liquor and there is non-compliance of Section 100 of Cr.P.C. and the petitioners are in custody since 04.07.2023.

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

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No.-II, Siwan in connection with Excise P.S.Case No.684 of 2023, with the following conditions:-

(I) One of the bailors should be father of the petitioners.

(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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