

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51798 of 2023

Arising Out of PS. Case No.-348 Year-2023 Thana- DIGHA District- Patna

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1. Ashish Kumar Son Of Mantun @ Mantun Kumar Resident Of Village-
Ranisaray, P.S- Bakhtiyarpur, Dist- Patna
 2. Raja Kumar Son Of Surendra Prasad @ Surendra Ram Resident Of Village-
Beside Rose Garden, Gandhi Nagar, P.S- Agamkuan, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 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
13.05.2023 in connection with Special Case No.4193 of 2023
arising out of Digha P.S.Case No.348 of 2023, F.I.R. dated
13.05.2023 registered for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Amendment Act.

3. Recovery is of 209.330 liters of foreign liquor.

4. Learned counsel appearing for the petitioners
submits that the petitioners have clean antecedent. 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 Car in question and the petitioners are neither the driver nor the owner of the Car in question and they have no concern at all with the alleged recovery of illicit liquor and the petitioner are simply the passengers of the vehicle in quesiton and the driver was also apprehended alongwith the petitioners and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 13.05.2023.

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 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 Special Judge, Excise, Patna in connection with Special Case No.4193 of 2023 arising out of Digha P.S.Case No.348 of 2023, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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