

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51793 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- MADANPUR District- Aurangabad

1. Alok Kumar
2. Prahlad Kumar
Both S/O Ramadhar Mehta, R/O Village- Dadhvi, P.S. Madanpur, District-
Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, 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
18.06.2023 in connection with Madanpur P.S.Case No.271 of
2023, F.I.R. dated 17.06.2023 registered for the offence
punishable under Section 30(a)/34/36 of Bihar Excise
(Prohibition) Amendment Act, 2018.

3. Recovery is of 245 liters of spirit.

4. Learned counsel appearing for the petitioners
submits that petitioner No.1 carries one more case other than the
present one and petitioner No.2 has clean antecedent. They have
falsely been implicated in the present case. Further submits that



it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession or the house of the petitioners rather the recovery has been made from the Car in question and the Car in question does not belong to the petitioners and merely on the basis of suspicion, the petitioners have been implicated in the present false and fabricated case and there is non-compliance of Section 100 of Cr.P.C. and the petitioners are in custody since 18.06.2023.

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, 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-1st, Aurangabad in connection with Madanpur P.S.Case No.271 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)

Nitesh/-

U		T	
---	--	---	--

