

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53031 of 2023

Arising Out of PS. Case No.-723 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. RAJU SAHANI S/O LATE RANJEET SAHNI R/O VILLAGE- PARU NAWADA, P.S AND DISTT.- GOPALGANJ.
 2. GUDDU KUMAR S/O DHENUK SAHANI R/O VILLAGE- HIRAPAKAR, P.S- JADOPUR, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 16.07.2023 seek bail in connection with Excise P.S. Case No.723/2023 dated 15.07.2023, registered for the offence punishable under Sections 30(a) of the Bihar Excise and Prohibition (Amendment) Act, 2018.

3. According to prosecution case, total 207 litres of country made liquor is said to have been recovered from the *bathan* of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list, it appears that altogether 135 litres of Banti Babli country made liquor has been recovered from the *bathan* of the petitioner no.1 and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the petitioners are not the owners of the scooty in question and the recovery has been made from the scooty in question, which was standing at the *bathan* of the petitioner no.1. The petitioners are in custody since 16.07.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 the learned Additional Sessions Judge-IV-cum-Special Judge Excise-II, Gopalganj in connection with Excise P.S. Case No.723/2023, subject to the following conditions:-

1. Learned trial court is directed to verify before the accepting the bail bond of the petitioner and the genuineness as to whether the petitioners are owners of the vehicle in question



or not, which was mentioned in the F.I.R. If any one of the petitioners are found that he is the owner of the vehicle in question, the bail bond of the petitioners shall not be accepted by the learned trial court.

2. 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.

3. 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.

4. 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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