

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55994 of 2023

Arising Out of PS. Case No.-449 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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1. Amarnath Kumar, S/O Harihar Chaudhary @ Harihar Mahato, R/O Village- Naviganj Bintoli Ward No. 05, P.S.- Rivilganj, District- Saran.
 2. Govinda Kumar, S/O Devraj Mahato, R/O Village- Naviganj Bintoli Ward No. 05, P.S.- Rivilganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Parashar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Saran Excise P.S. Case No. 449/2023, lodged on 15.06.2023
under Sections 30(a) and 32(3) of the Bihar Prohibition and
Excise Amendment Act, 2018.

3. As per the prosecution, the recovery of total 311.04
liter of illicit foreign liquor has been made from a motorboat by
the patrolling party about which the two petitioners have
confessed before the police that the said liquor belongs to them.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. From



the seizure list, it transpires that there is a gross violation of Section 100 of the Code of Criminal Procedure. He further submits that the antecedent of the petitioners is clean and they are in custody since 15.06.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned ADJ-II, Excise, Saran at Chapra, in connection with Saran Excise P.S. Case No. 449/2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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