

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56196 of 2023

Arising Out of PS. Case No.-712 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. Munna Singh S/O- Late Ram Kumar Singh Village- Barua Ps- Dighwara
Dist- Chapra Saran.
 2. Sonu Kumar S/O- Ramji Singh Village- Malkha Chowki Chak Ps- Dighwara
Dist- Chapra Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, 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
Excise P.S. Case No.712 of 2023 registered on 12.07.2023
lodged under Section 30 (a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution case, recovery of 141.30
liter illegal wine has been made from a tempo, which was
alleged to be driven by the petitioners.

4. Counsel further submits that petitioners are
innocent and have committed no offence. He further submits
that petitioners are in custody since 13.07.2023 having clean

antecedent.

5. Counsel for the petitioners submits that from the record of the case it became clear that there is a gross violation of Section 100 of the Code of Criminal Procedure and the alleged seizure is absolutely bad in law. Counsel submits that petitioners are nowhere related to the recovered wine and nothing was recovered from the physical possession of the petitioners. He submits that petitioners are falsely implicated in the present case only on the basis of suspicion. Counsel submits that petitioner no.1 is the driver and petitioner no.2 is the passenger of the said tempo.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) 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.712 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his

bona fide;

(ii) the petitioner 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 his bail bonds by the Trial Court itself;

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

(iv) the petitioner 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 petitioner 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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