

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58761 of 2023

Arising Out of PS. Case No.-300 Year-2023 Thana- MADANPUR District- Aurangabad

1. Rajesh Prasad Son Of Sri Kames Sao Resident Of Village- Gandhi Nagar Aurangabad, P.S- Aurangabad Town, Distt- Aurangabad
2. Ajay Kumar Chaudhary Son Of Sri Nandu Chaudhary Resident Of Village- Sahpur, P.S- Aurangabad Town, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Learned counsel for the petitioners is permitted to make correction in the prayer portion in course of the day.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. Petitioners seek bail, who are in custody since 13.07.2023, in connection with Madanpur P.S. Case No. 300 of 2023, F.I.R. dated 12.07.2023 registered for the offences punishable under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise Amendment Act, 2018.

4. Recovery is of 560 litres of *spirit*.

5. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present. He further submits that it appears



from the F.I.R. as well as seizure list that nothing incriminating articles have been recovered from the conscious possessions of the petitioners rather total 560 litres of spirit has been recovered from the vehicle in question and the petitioner no. 1 is driver and petitioner no. 2 is co-driver of the vehicle in question and the owner of the vehicle is Indranil Guna. He further submits that they have no concern at all with the alleged recovery of illicit liquor and the petitioners are in custody since 13.07.2023.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

7. Considering the facts and circumstances of the case, nothing has been recovered from the possessions of the petitioners and the petitioners having clean antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Aurangabad in connection with Madanpur P.S. Case No. 300 of 2023, subject to the following conditions :-

(1) 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 bonds shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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