

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61794 of 2023

Arising Out of PS. Case No.-642 Year-2023 Thana- Excise P.S. District- Nawada

1. Raghuvanshmani Lal Son of Subhash Prasad Singh R/o vill - Belaur, P.S. - Rajgir, Distt. - Nalanda
2. Ashmita Kumari @ Ashmita Kumar W/o Raghuvanshmani Lal R/o vill - Belaur, P.S. - Rajgir, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 02.08.2023 in connection with Excise P.S. Case No. 642 of 2023, F.I.R. dated 01.08.2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, recovery of total 21 liter English Wine has been made from trolley and pithu bag of the petitioners.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from



bare perusal of the F.I.R. as well as Seizure list, it appears that altogether 21 liters of English Wine has been recovered from the bag in question and nothing incriminating article/illicit liquor has been recovered from the possession of the petitioners. He further submits that petitioner no. 2, who happens to be wife of petitioner no. 1, has falsely been implicated in the present case merely on the ground that she was there along with petitioner no. 1. Further more, there is non-compliance of Section 100 of the Cr.P.C. The petitioners are in custody since 02.08.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. - 2, Nawada, in connection with Excise P.S. Case No. 642 of 2023, subject to 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)

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