

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66329 of 2023

Arising Out of PS. Case No.-927 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. Badshah @ Sajjad Alam @ Md. Sajjad Alam, son of Late Md. Kalam Village- Khuski Bagh W.No-21, P.S.- Sadar Dist- Purnea At Present Mohalla- Line Bazar Muzaffar Ahmad Nagar P.S.- K.Hat Sahayak Dist- Purnea
2. Pawan Kumar Das, son of Late Nishikant Das Village-Lalganj Tin Tola W.No-10, P.S.- K. Hat Maranga Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks regular bail in connection with K.Hat (Maranga) P.S. Case No. 927 of 2023, lodged on 05.08.2023 under Sections 272, 273, 379, 414, 467, 468, 471 & 34 of the Indian Penal Code, under Sections 30(a), 30(c), 30(d), 32, 33, 34, 36 and 41 of Bihar Prohibition and Excise Act, 2016 and under Sections 51, 63 and 64 of the Copyright Act.

3. As per the prosecution case, the total recovery of 540 litres raw spirit and 15.60 litres foreign liquor is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. He submits that the alleged recovery has not been made from the possession of the petitioners. Antecedent of the petitioner No. 2 is clean, whereas, antecedent of the petitioner No. 1 is not clean as there are two criminal cases pending against him. He further submits that both the petitioners are in custody since 06.08.2023.

5. Learned counsel for the petitioner submits that there are deficiency in recovery of wine as per the Cr.P.C.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that, it transpires that both the accused persons are doing their business of selling wine and collided with each other.

7. 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 Exclusive Special Excise Judge, Court No.1, Purnea in connection with K.Hat (Maranga) P.S. Case No. 927 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 his 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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