

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62014 of 2022

Arising Out of PS. Case No.-411 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

1. CHANDAN KUMAR S/o Sri Ajay Singh @ Ajay Kumar Singh R/v- Dekuli, P.S.- Pipra, District- Patna
2. RITESH KUMAR S/o Sri Ajay Singh @ Ajay Kumar Singh R/v- Dekuli, P.S.- Pipra, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Special Case No. 4679 of 2022, arise out of Ram Krishna Nagar P.S. Case No. 411 of 2022 registered for the offences punishable under Sections 30(a)/22(ii)(iii)/41 of Excise Act.

As per prosecution case, there is alleged recovery of 80 litre illicit country made liquor from the motorcycle in question and petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 08.08.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence. Petitioners are quite innocent and have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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, Patna in connection with Special Case No. 4679 of 2022, arise out of Ram Krishna Nagar P.S. Case No. 411 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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