

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64509 of 2023

Arising Out of PS. Case No.-1492 Year-2023 Thana- Excise P.S. District- Gaya

1. Nitish Kumar, Son Of Kamakhya Ray @ Kamakhya Roy Resident Of Village- Gayaspur, Ward No. 10, P.S.- Shalimpur, Distt- Patna
2. Karan Yadav, Son Of Dinanath Roy @ Dinanath Yadav @ Dinanath Roy Resident Of Village- Kachchidargah, P.S.- Didarganj, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the State : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Gaya Excise P.S. Case No. 1492 of 2023, lodged on 22.08.2023
under Sections 30 (a) and 56 (b) of Bihar Prohibition & Excise
Amendment Act, 2018.

3. As per the prosecution case, total recovery of 117
litres of illicit liquor is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the
said recovery has been made from a Scorpio vehicle on which
the petitioners had not been arrested rather the petitioners' name
has triggered in this case by virtue of confessional statement of



co-accused persons to the effect that the petitioners were sitting on another vehicle and doing the work of liner. He further submits that the antecedent of the petitioners are clean and they are in custody since 23.08.2023. Moreover, the charge sheet has also been submitted.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. 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 Judge Excise, Court No. III, Gaya in connection with Gaya Excise P.S. Case No. 1492 of 2023, subject to the conditions as laid down under Section 437(3) of the 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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