

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66322 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- NAWANAGAR District- Buxar

1. Shambhu Singh, Son Of Late Nagina Singh Resident Of Village Sonvarsha, P.S. - Navanagar (Sonversha O.P), Dist Buxar
2. Anup Yadav @ Anup Singh, Son Of Manoj Yadav Resident Of Village Sonvarsha, P.S. - Navanagar (Sonversha O.P), Dist Buxar

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, 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 Navanagar (Sonversha O.P) P.S. Case No. 311 of 2023, lodged on 02.08.2023 under Sections 30(a) of Bihar Excise (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of 28 litres of country made 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 said recovery has not been made from the



petitioners' possession rather as per the seizure list, the said recovery has been made from a nearby place which does not belong to the petitioners. He further submits that the antecedent of the petitioners are clean and they are in custody since 03.08.2023.

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 Special Excise Court No.2, Buxar in connection with Navanagar (Sonversha O.P) P.S. Case No. 311 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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