

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66308 of 2023**

Arising Out of PS. Case No.-565 Year-2023 Thana- BIHTA District- Patna

1. Ganga Gautam son of Rajanish Ranjan village- Naubatpur Passi Ps- Naubatpur Dist- Patna, Bihar P/A resident of Kesri Nagar, Indrapuri Road No-5, Fulwa Dist- Patna
2. Abhi Singh son of Kamlesh Prasad Singh R/Village- Begusarai Amma Ps- Teghda Distt- Begusarai P/A- at Kurji Ps- Patliputra Dist- Patna ward no- 11, Dubha Bochha Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate  
For the Opposite Party/s : Mr. Parmanand Prasad, 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 Special Case No.1617 of 2023, arising out of Bihta P.S. Case No. 565 of 2023, lodged on 05.06.2023, under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the subject matter of the FIR is total 79.74 liters of illicit liquor, which has been recovered from the dicky of the car.

4. Learned counsel for the petitioners submits that petitioners are innocent and they are in custody since 07.06.2023. Counsel submits that petitioner No.2 has no



criminal antecedent and petitioner No.1 has three criminal antecedents. Charge sheet has already been submitted in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that the recovery has been made from the car from which these two accused persons have been apprehended.

6. In the present facts and circumstances of this case and the submissions made above, let petitioner No.2, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna, in connection with Special Case No.1617 of 2023, arising out of Bihta P.S. Case No.565/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Let petitioner No.1, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna, in connection with Special Case No.1617 of 2023, arising out of Bihta P.S. Case No.565/2023, subject to the following



conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner 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 petitioner 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)**

Mkr./-

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