

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63448 of 2022

Arising Out of PS. Case No.-783 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Ashwani Kumar Jha, Son of Arjun Jha, R/v- Sardanagar, Mahboob Kha Tola, P.S.- Khjanchi, District- Purniya
 2. Pankaj Chaudhary, Son of Bharath Chaudhary, R/v- Bhadaura Ward No. - 8, P.S.- Masaudhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Ms.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek bail in connection with Excise
P.S. Case No.783 of 2022 instituted for the offence punishable
under Sections 30(a), 56(b) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

669.96 litres illicit liquor has been recovered
concealed inside sacks of straw laden on the vehicle, from
which the two petitioners have been arrested. It is alleged that
Petitioner No.1 is Driver and Petitioner No.2 is Cleaner.



Learned counsel for the petitioners submits that the manner of recovery indicates that the liquor was concealed, regarding which the petitioners had no knowledge. The petitioners are in custody since 28.09.2022. Petitioner No.1 has clean antecedents and Petitioner No.2 has one criminal antecedent, in which he is on bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No.3, Gaya, in connection with Excise P.S. Case No.783 of 2022, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The



bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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