

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68706 of 2023

Arising Out of PS. Case No.-1525 Year-2023 Thana- Excise P.S. District- Gaya

1. Vicky Kumar, Son Of Fakichand Saw @ Fakirchand Sah, Resident Of Village- Khemni Chak Sahpur, Ps- Gopalpur, Dist- Patna
2. Ravi Kumar, Son Of Anil Kumar Gupta, Resident Of Village- Pachu Chak Sultanpur Danapur Khagaul, Ps- Danapur, Distt- Patna
3. Rahul Kumar @ Rahul Kumar Goswami, Son Of Arvind Nath Goshwami, Resident Of Village- Shyampur, Ward No 12, Police Station- Palasi, District- Araria
4. Shivam Kumar, Son Of Sudhanshu Kumar, Resident Of Village- E-133, Pc Colony Kankarbagh, Ps- Kankarbagh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 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.1525/2023 lodged on 26.08.2023
under Sections 30(a) and 56(b) of the Bihar Prohibition and
Excise (Amendment) Act, 2016.

3. As per the prosecution case, the total recovery of
374.4 litres of Indian Made Foreign 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. There is no recovery from the conscious possession of the petitioners, rather the alleged recovery has been made from other vehicles which do not belong to the petitioners. The petitioners were apprehended only on suspicion that they were traveling in another vehicle. The petitioners further that traveling in the vehicle is not a crime. The petitioners are accused in four other cases and are in custody since 27.08.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioners are involved in four more criminal cases and this aspect must be taken into consideration at the time of considering 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. 1525 of 2023, subject to the as laid down under section 437(3) Cr.P.C as well as 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 their
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)

Ashwini/-

U		T	
---	--	---	--

