

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66970 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. RAMAN KUMAR, S/O LATE RAVINDRA SHARMA, Resident of Village- N.M.C.H. 1DH Quarter Agamkuan, P.S.- Alamganj, District- Patna.
 2. MURARI KUMAR, S/O SHREE ARVIND, Resident of village- Hiranchak, P.S.- Dhanarua, District- Patna.
 3. SAMSHAD QURESHI, S/O MD. MUSLIM QURESHI, Resident of village- Bihta, P.S.-Bihta, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kameshwar Singh, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023

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 Madya Nishedh (Excise) P.S. Case No. 213 of 2022 registered for the offence punishable under Sections 30(a) and 32(3) of the Excise (Amendment) Act, 2018.

The prosecution case alleges that 324.960 litres illicit liquor has been recovered from a Tata Safari vehicle which was parked in the parking area. It is alleged that petitioners were fleeing away.

Learned counsel for the petitioners submits that even as per prosecution case, recovery is from the vehicle. There is no recovery from the petitioners. They are having clean antecedents and



by virtue of their presence near the vehicle, they have been implicated merely on suspicion. Moreover, investigation is also complete. Recovery is denied and disputed and is stated to be not in accordance with law. They are in custody since 28.09.2022.

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

Considering the rival submissions, clean antecedent of petitioners, manner of alleged recovery, period of custody 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 bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional cum Spl. Judge (Excise-II) Kishanganj, District-Kishanganj, in connection with Madya Nishedh (Excise) P. S. Case No. 213 of 2022, subject to the following conditions:-

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

(Madhuresh Prasad, J)

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