

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68666 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- AMBA District- Aurangabad

1. Rohit Kumar @ Rohit Roy Son of Suresh Rai @ Suresh Ray Village- Fatuha
Ps- Nadi Dist- Patna
2. Manish Kumar son of Mussafir Rai Village- Terasiya Ps- Gangabridge Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, 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
G.R. No. 1094 of 2023 arising out of Amba P.S. Case No. 201
of 2023 lodged under Section 30(a) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of
439.12 liter of wine has alleged to be made, which is subject
matter of the present case.

4. Learned counsel for the petitioners submits that the
said recovery has been made from a vehicle which was driving
by the petitioner no.1 and petitioner no.2 was the *khalasy* of the

said vehicle.

5. Counsel for the petitioners submits that petitioners are in custody is since 22.08.2023 having clean antecedent. He further submits that petitioner no.1 was completely unaware about keeping of the illicit liquor in the said vehicle which he was driving.

6. Learned counsel for the State opposes the prayer for bail and submits that the recovery of huge quantity of wine has been made from a vehicle which the petitioner no.1 was driving. He further submits that it is true that antecedent of the petitioners are clean.

7. 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 Spl. Judge, Excise, 1st, Aurangabad, in connection with G.R. No. 1094 of 2023 arising out of Amba P.S. Case No. 201 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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.)

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