

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73572 of 2023

Arising Out of PS. Case No.-623 Year-2023 Thana- Excise P.S. District- Araria

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1. PARSHURAM @ PARSHURAM THAKUR S/O RAMBRISH THAKUR
R/O VILLAGE- POSDAHA, P.S- NARPATGANJ, DISTT.- ARARIA.
 2. RIKESH KUMAR @ RITESH KUMAR S/O SUBODH YADAV R/O
VILLAGE- BHORHAR, P.S- FULKAHA, DISTT.- ARARIA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

1. The petitioners seek bail in connection with
Araria Excise Circle P.S. Case No. 623 of 2023 registered for
the offences punishable under Sections 30(a), 32(3) of the Bihar
Prohibition and Excise Act.

2. As per prosecution case, there is alleged
recovery of 450 litre Nepali liquor from four motorcycles in
question and petitioners were apprehended on the spot.

3. Learned counsel for the petitioners submits that
petitioners are neither driver nor owner of the motorcycles in
question. Nothing has been recovered from the conscious



possession of the petitioners. They have no concern either with the seized motorcycles or with the seized liquor. He further submits that petitioners were apprehended when they came to see the paddy crops of their field. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioners are in custody since 04.08.2023 and bear no criminal antecedent.

4. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise II, Araria in connection with Araria Excise Circle P.S. Case No. 623 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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