

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76146 of 2023

Arising Out of PS. Case No.-882 Year-2023 Thana- Excise P.S. District- Siwan

1. AWADH KISHORE SINGH S/O LATE RAM NARESH SINGH
RESIDENT OF VILLAGE- HASANPURWA, P.S.- SIWAN MUFFASIL,
DISTRICT- SIWAN
2. ARBIND SINGH S/O UDAYNARAYAN SINGH R/O VILL.-
CHAUMUKHA, P.S.- PACHRUKHI, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Siwan
Excise P.S. Case No. 882/23 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, 126 litre illicit liquor was
recovered from an Alto Car in question. Petitioners were
apprehended at the place of occurrence.

Learned counsel for the petitioners submits that
petitioners are innocent and have committed no offence as
alleged in the FIR and they have falsely been implicated in this



case. Petitioners bear no criminal antecedent. It is further submitted that petitioners have no concern with the seized liquor or the vehicle in question. Nothing has been recovered from conscious possession of the petitioners. Petitioners are in custody since 14.09.2023.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise II, Siwan in connection with Siwan Excise P.S. Case No. 882/23, subject to the 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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