

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77082 of 2023

Arising Out of PS. Case No.-654 Year-2023 Thana- GARDANIBAG District- Patna

1. Chandan Kumar Singh @ Chandan Kumar Son of Late Dinanath Rai Resident of Saristabad, Purvi Tola, P.S. - Gardanibagh, District - Patna
2. Nitish Kumar Son of Akhilesh Mistri Resident of Salalpur, P.S. - Karpi, District - Arwal
3. Anuj Kumar Son of Hulas Rai Resident of Mirampur, P.S. - Raghopur, District - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shadab Akhter
For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Gardanibagh P.S. Case No. 654/2023 (Special Case
No.6613/2023) registered for the offences punishable under
Sections 30(a) and 36 of the Bihar Prohibition and Excise Act,
2016.

3. As per prosecution case, there was alleged
recovery of total 315 liters foreign liquor from the Garage of
Chandan Kumar (petitioner) and the petitioners apprehended on
the spot.



4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners and he has nothing to do with the alleged occurrence. The petitioners are languishing in custody since 17.09.2023 and bear no criminal antecedent. He further submits that the petitioners are named in the case with ulterior motive of police due to non-fulfillment of illegal gratification. He further submits that the alleged garage was open place which is accessible to all. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Special Judge, Excise, Patna in connection with Gardanibagh
P.S. Case No. 654/2023 (Special Case No.6613/2023), 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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