

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77154 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- CHANAN District- Lakhisarai

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1. MAHESH KORA , son of Baldev Kora.
 2. Mantu Kora, son of Ramdev Kora.
- Both resident of village-Banskund, P.S.-Chanan, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 04-12-2023 Learned counsel for the petitioner is permitted to make necessary correction in para 1 of the bail petition during course of the day.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek bail in connection with Chanan P.S. Case No. 184/2022 registered for the offences punishable under Sections 30(a) (b) (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution case, there was alleged recovery of total 150 liters country made mahua wine from the buses of forest hill area in Banskund village. The petitioners and others fled away from the place of occurrence and local



Chaukidar and villagers disclosed the name of petitioners and others who fled away from the place of occurrence.

5. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 02.09.2023. The petitioner no.1 bears criminal antecedent of five cases and petitioner no.2 bears criminal antecedent of four cases. He further submits that the said recovery place is 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.

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

7. Considering the facts and circumstances of the case, period of custody, petitioners are not apprehended on the spot 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 Additional District and Sessions Judge-IV cum Special Excise Court-1st, Lakhisarai in connection with Chanan P.S. Case No. 184/2022, 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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