

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76844 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- NAUGACHIA District- Bhagalpur

1. DEEPAK KUMAR S/O MANIKANT CHOURASIYA R/O VILLAGE-BARI MALIYA, PS. GOGRI, DIST. KHAGARIA
2. MITHUN YADAV S/O RUDAL YADAV @ RUDAL RAI R/O VILLAGE-TIKA RAMPUR (BANARSI RAI TOLA), PS. GOGRI, DIST. KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Special Excise Case No. 4150/2023 arising out of Navgachhiya
P.S. Case No. 287/2023 registered for the Bihar Prohibition and
Excise Amendment Act, 2022.

As per prosecution case, there is alleged recovery
of 135 litre foreign liquor from a car in question. It is further
alleged that the same car was being driven by petitioner no. 1.
while petitioner no. 2 was sitting along with him. Both the
petitioners apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged against them in the FIR and they have falsely been implicated in this case. Petitioners are not the registered owner of the car in question and they have nothing to do with the alleged recovery. They are in custody since 22.08.2023. Learned counsel has orally submitted that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioners bear no criminal antecedent.

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 the clean antecedent of the 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 bond of Rs. 10,000/- (Rupees Ten Thousand), each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Excise Judge-II, Bhagalpur in connection with Special Excise Case No. 4150/2023 arising out of Navgachhiya P.S. Case No. 287/2023, 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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