

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1851 of 2023

Arising Out of PS. Case No.-714 Year-2022 Thana- FATEHPUR District- Gaya

1. Kundan Kumar, Son of Mithilesh Yadav R/o Village - Kodeya, P.S.- Fatehpur, District - Gaya.
2. Bipin Kumar, Son of Rabindra Kumar R/o Village - Kodeya, P.S.- Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Learned counsel for the petitioners is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ajay Kumar Sinha, learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek bail, who are in custody, in connection with Fatehpur P.S. Case No. 714 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is alleged that in course of vehicle checking, both the petitioners were apprehended along with motorcycles. In



course of search, 100 litres country-made *mahua* liquor was recovered from each of the petitioners.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have no concern with the motorcycles and the alleged recovered illicit *mahua* liquor. He further submits that there is complete definance of Sections 86 and 87 of the Bihar Prohibition and Excise (Amendment) Act, inasmuch as there is no independent witness to the seizure list. He next submits that the petitioners having fair antecedent are in custody since 21.11.2022 and now the cahрге-sheet has been submitted.

On the other hand, learned APP for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioners, abovenamed, 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 learned Exclusive Special Excise Court No. 1, Gaya, in connection with Fatehpur P.S. Case No. 714 of 2022, subject to the condition that one of the bailors will be the close relative of



the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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