

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6154 of 2024

Arising Out of PS. Case No.-1860 Year-2023 Thana- Excise P.S. District- Patna

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1. NAGESHWAR RAI S/o Late Wasu @ Basu Rai R/o Mahavir Ghat, P.S.-
Alamganj, District-Patna.
 2. ABHISHEK KUMAR S/o Sujit Kumar Singh R/o Mitanghat, P.S.-
Khajekalan, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Excise
Patna P.S. Case No. 1860 of 2023 registered for the offences
punishable under Sections 30(a), 56(b) of Bihar Prohibition and
Excise (Amendment) Act, 2018 and 2022.

3. As per prosecution case, 80 litre illicit liquor was
recovered from the motorcycle in question and petitioners were
apprehended on the spot.

4. Learned counsel for the petitioners submits that
petitioners are quite innocent and have not committed any
offence as alleged in the FIR. He further submits that petitioners



are not owner of the motorcycle in question. Petitioners have been apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence. There is no compliance of Section 100 of the Cr.P.C. Petitioners have no concern with the seized liquor in question. Petitioners are in custody since 17.12.2023. Petitioner no. 2 has clean antecedent and petitioner no. 1 bears criminal antecedent of one case in which he is on bail.

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

6. Considering the facts and circumstances of the case, period of custody, 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 Special Judge, Excise-3, Patna in connection with Excise Patna P.S. Case No. 1860 of 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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