

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7186 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- NTPC District- Bhagalpur

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1. Chandan Kumar SON OF Brajesh Mandal village -Sadanandpur Baisa P.S.-
Kahalgaon District- Bhagalpur
 2. NITISH KUMAR SON OF MURLIDHAR PASWAN village -Sadanandpur
Baisa P.S.- Kahalgaon District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Kahalgaon (NTPC) P.S. Case No. 77 of 2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016, Amendment Act, 2022.

As per prosecution case, 40 litre country made
liquor was recovered from motorcycle in question and both
petitioners were apprehended on spot.

Learned counsel for the petitioners submits that
petitioners are innocent and have committed no offence as
alleged in the FIR and they have falsely been implicated in this



case. Basically no incriminating article has been recovered from conscious possession of the petitioners. Petitioners have got no concern with the motorcycle in question and they were apprehended on spot merely on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioners are in custody since 05.11.2023. Learned counsel orally submits that charge sheet 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 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II cum A.D.J.-XII, Bhagalpur in connection with Kahalgaon (NTPC) P.S. Case No. 77 of 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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