

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8190 of 2024

Arising Out of PS. Case No.-1423 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. MANISH KUMAR ANAND Son of Vijay Yadav @ Bijay Kumar Yadav Resident of Village-New Sipahi Tola Maranga Road, Ward No. 7, P.S.- K.Hat, District-Purnea.
2. NITESH KUMAR Son of Alok Kumar @ Ashok Kumar Resident of Village-Kordagola (Barari), Ward No.-2, P.S.-Barari, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 The present matter has been listed under the heading :
“To Be Mentioned” on the basis of mentioning slip filed on behalf of
the petitioners.

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

3. The petitioners seek bail in connection with K.Hat
(Madhubani) P.S. Case No. 1423/2023 registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

4. As per prosecution case, there was alleged
recovery of 105.750 liters foreign liquor from the house of



Gangesh Kumar and the petitioners were apprehended on the spot.

5. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are not in any way connected with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioners. Basically, the petitioners were gone to meet the owner of the house and they were standing on the place of occurrence and on the basis of suspicion, the petitioners were apprehended on the spot. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioners are languishing in custody since 29.12.2023. Petitioner no.1 bears criminal antecedent of two cases and in both cases he is on bail and petitioner no.2 bears no criminal antecedent. He further submits that the petitioners were not concerned with the seized liquor and there is no compliance of Section 100 Cr.P.C.

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, 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 Exclusive Special Judge, Excise-01, Purnea in connection with K.Hat (Madhubani) P.S. Case No. 1423/2023, 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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