

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41076 of 2024

Arising Out of PS. Case No.-280 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Vivek Kumar, son of Mithlesh Ram @ Mithilesh Ram, resident of village – Bhagat Tendua, P.S. - Hariharganj, District – Palamu (Jharkhand).
2. Kundan Kumar, son of Mukesh Ram, resident of village – Neura, P.S. - Aurangabad, District – Aurangabad.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akash Raj, Advocate
Ms.Nikita Mittal, Advocate
Mr.Arun Bharti, Advocate
For the Opposite Party/s : Mr.Anil Kr. Singh No.1,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the

State.

2. The petitioners seek bail in connection with Excise

P.S. Case No. 280 of 2024 registered for the offences under

Sections 30(a) and 32(3) of Bihar Prohibition and Excise

(Amendment) Act, 2018.

3. The petitioners are named in the F.I.R and in

custody since 30.03.2024.

4. The allegation against the petitioners is to have in

possession of 100 litres of illicit liquor and also engaged in

illegal trading/manufacturing of illicit liquor.



5. Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated in the present case on refusal to be the witness of seizure list as an independent witness. Learned counsel pointed out that the recovery of illicit liquor appears *prima-facie* doubtful not being supported by independent witness rather by police personnel. It is further submitted that petitioners are the men of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the aforesaid factual submission and by taking note of the nature of accusation where petitioners are in custody since 30.03.2024, accordingly, petitioners, above named, are directed to be released on bail in connection with Excise P.S. Case No. 280 of 2024 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 – 2nd, Aurangabad, Bihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.



(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(Chandra Shekhar Jha, J.)

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