

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48818 of 2024

Arising Out of PS. Case No.-222 Year-2024 Thana- Excise P.S. District- Siwan

1. Rakesh Kumar @ Rakesh Kumar Chaudhary @ Rakesh Chaudhary Son of Late Sanjay Choudhary R/O Vill.- Hussainganj, Ward no.-5, P.S.- Hussainganj, Dist.- Siwan.
2. Anil Kumar Mali @ Anil Kr. Mali Son of Kedar Mali R/O Vill.- Hussainganj, P.S.- Hussainganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Siwan Excise P.S. Case No. 222 of 2024, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioners is of indulged in preparation and selling of illicit liquor, the police conducted raid. However, noticing the police party, other accused persons succeeded in fleeing away, but the petitioners were apprehended by the police. On search 100 liters of illicit *chulai* liquor along with 99 kg *mahua* were recovered.



4. Learned Advocate for the petitioners contended that the alleged recovery has been made behind the house of the petitioners in a hut, which was easily accessible to all. Moreover, the petitioners have no concern with the hut, in question. However, only on account of their past criminal antecedent of one identical nature of crime, their names have been implicated in this case. There is complete defiance of Section 100 of the Cr.P.C., inasmuch as the witnesses are none else but the police personnel. The petitioners have been incarcerated since 19.04.2024, now the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. 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, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees twenty thousand) with two **each** sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. - II, Siwan in connection with Siwan Excise P.S. Case No. 222 of 2024, subject to the condition that one of the bailors will be the



close relatives 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.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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