

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61356 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- Excise P.S. District- Bhojpur

1. Amit Kumar Son of Arun Malakar @ Arun Kumar Malakar Resident of Chauki Sikarpur Patna City, P.S.- Chauk, District - Patna.
2. Nikhil Kumar Son of Sanjay Mahto Resident of Nakhas Devi Asthan, Garahipar, Ward No.- 69, P.S.- Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr.Harish Kumar, learned counsel for the petitioners and Mr.Anil Kumar, learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 10.06.2024 in connection with Excise Sadar P.S. Case No. 132 of 2024, F.I.R. dated 09.06.2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 1063.080 liters of foreign liquor.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that altogether



1063.080 liters of foreign liquor was recovered from the Pick-Up Van in question and petitioner No.1 is driver and petitioner No.2 is Cleaner of the Pick-Up Van in question and they were not aware that the illicit liquor was kept in the Pick-Up Van in question and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 10.06.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the aforesaid fact, petitioners have clean antecedent, nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the Pick-Up Van in question, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Bhojpur, Ara in connection with Excise Sadar P.S. Case No. 132 of 2024, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that 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 step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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