

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82606 of 2023

Arising Out of PS. Case No.-793 Year-2023 Thana- Excise P.S. District- Banka

1. SUBHASH RAJWAR S/O LATE ASHOK RAJWAR R/O VILLAGE-CHANDWARI, P.S- MADHUPUR, DISTT.- DEOGHAR.
2. MD. ABREJ @ MD. ABREJ SHEKH @ MD ABREJ SHEK S/O MD. AKHTAR @ AKHTAR SEKH R/O VILLAGE- PASIYA, MADHUPUR, P.S- MADHUPUR, DISTT.- DEOGHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar
For the Opposite Party/s : Mr.Lalan Kumar(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Excise Banka P.S. Case No. 793 of 2023, Excise Complaint
Case No. 793 of 2023 registered for the offences punishable
under Sections 30(a) and 47 of the Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, petitioners are said to
have apprehended on the spot from Tata pick up 407 in question
and from the said vehicle, total 906.48 litre foreign liquor was
recovered.

4. Learned counsel for the petitioners submits that



petitioners are in custody since 01.10.2023 and both bear no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the alleged seized vehicle does not belong to the petitioners. Petitioner nos. 1 and 2 being co-driver and driver respectively have to follow the instruction of his owner to earn livelihood. Petitioners have no knowledge regarding the illicit liquor kept in the said vehicle. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and have falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. 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) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Banka in connection with Excise Banka P.S. Case No. 793 of 2023, Excise Complaint



Case No. 793 of 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)

vashudha/-

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