

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86454 of 2023

Arising Out of PS. Case No.-362 Year-2023 Thana- Excise P.S. District- Khagaria

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1. Ravindra Kumar Son of Late Nand Kishore Yadav R/O Village- Morkahi, Ward No. 13, P.S.- Muffasil (KHAGARIA), Dist.- Khagaria.
 2. Shrawan Yadav Son of Muso Yadav R/O Village- Morkahi, Ward No. 13, P.S.- Muffasil (KHAGARIA), Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Excise Case No.913C3/2023 arising out of Khagaria Excise P.S. Case No. 362/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of 191.160 liters foreign liquor from temporary hut and the petitioners were apprehended on the spot.

4. 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 and nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 14.09.2023. The petitioner no.2 bears no criminal antecedent and petitioner no.1 bears criminal antecedent of two cases. He further submits that the petitioners were neither concerned with the said temporary hut nor was concerned with the alleged seized liquor. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. 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 Special Excise Judge-2nd, Khagaria in connection with Excise Case No.913C3/2023 arising out of Khagaria Excise P.S. Case No. 362/2023, 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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