

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84010 of 2023

Arising Out of PS. Case No.-342 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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1. Kundan Sah SON OF JAYNARAYAN SAH R/O VILLAGE- BEHRARI,
WARD NO.02, P.S.- SHANKARPUR, DIST.- MADHEPURA
 2. Jaynarayan Sah SON OF MAHAVEER SAH R/O VILLAGE- BEHRARI,
WARD NO.02, P.S.- SHANKARPUR, DIST.- MADHEPURA

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Yadav

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Shankarpur P.S. Excise Case No. 342/19-20 dated 19.01.2020
registered for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on secret information
police party raided the house of the petitioner and recovered
total 81 litre foreign liquor from straw kept at the door and from
courtyard. It is further submitted that petitioners succeeded in
fleeing away from place of occurrence.

Learned counsel for the petitioners submits that



petitioners are innocent and have committed no offence as alleged in the FIR and have falsely been implicated in this case. It is further submitted that place of recovery is an open place which is accessible to all and petitioners are not in any way connected with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioners are in custody since 22.11.2023. Petitioners bear no criminal antecedent.

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

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 petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIIth, cum Special Judge Excise Judge IInd, Madhepura in connection with Shankarpur P.S. Excise Case No. 342/19-20 dated 19.01.2020, subject to the 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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