

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84724 of 2023

Arising Out of PS. Case No.-819 Year-2023 Thana- Excise P.S. District- Nawada

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1. BIRENDRA RAJBANSHI Son of Prasadi Rajbanshi Resident of Village-
Thakur Asthan, Police Station - Rajgir, District - Nalanda.
 2. Budhan Kumar @ Saurabh Kumar son of Naresh Prasad Resident of Village
- Sahebchak, Police Station - Nawada Town, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Excise
P.S. Case No. 819 of 2023 registered for the offences punishable
under Sections 30(a), 56(2) (ii) of Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, petitioners were
apprehended along with Maruti car in question and 80 litre
country made liquor was recovered from the said car.

4. Learned counsel for the petitioners submits that
petitioners are quite innocent and have not committed any
offence as alleged in the FIR. He further submits that petitioners



are neither owner nor driver of the car in question and they have been apprehended on the spot on the basis of suspicion only. There is no compliance of Section 100 of the Cr.P.C. Petitioners have no concern with the seized liquor in question. Petitioners are in custody since 17.10.2023. Petitioner no. 1 has clean antecedent and petitioner no. 2 bears criminal antecedent of one case.

5. The learned A.P.P. for the State opposes 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-11nd, Nawada in connection with Excise P.S. Case No. 819 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)

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