

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86497 of 2023

Arising Out of PS. Case No.-741 Year-2023 Thana- MALSALAMI District- Patna

1. SATENDRA KUMAR @ SATENDRA KUMAR YADAV S/O MISHRI RAI @ MISTRI RAI R/O VILLAGE- JAMUNAPUR CHAITOLA P.S- MALSALAMI, DISTT.- PATNA.
2. KANHAI KUMAR S/O RADHESHYAM SINGH R/O JAMUNAPUR CHAITOLA, P.S- MALSALAMI, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar
For the Opposite Party/s	:	Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seeks bail in connection with Malsalami P.S. Case no. 741/2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 100 litre country made liquor was recovered from motorcycle in question and both petitioners were apprehended on spot.

Learned counsel for the petitioners submits that petitioner is innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. It



is further submitted that petitioners are not in any way concerned with the motorcycle in question and they have no knowledge about the recovery of illicit liquor. Petitioners are in custody since 24.10.2023. learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioners no. 1 bears one criminal antecedent and petitioner no. 2 bears 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, 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City in connection with Malsalami P.S. Case no. 741/2023, 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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