

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3359 of 2024

Arising Out of PS. Case No.-797 Year-2023 Thana- Excise P.S. District- Aurangabad

1. Dharmendra Kumar son of Surendra Singh resident of village- Dalkarma, p.s.- Barun, District- Aurangabad
2. Saryu Singh son of Late Suryanarayan singh resident of village- Dalkarma, p.s.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 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. 797 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, altogether 103.500 litre illicit liquor was recovered from the bush and petitioners apprehended on the spot.

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 not in any way connected with the place of occurrence and they have been apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioners. Seizure list has not been made as per law. Petitioners have no concern with the seized liquor in question. Petitioners are in custody since 16.10.2023 and bear no criminal antecedent.

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, 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 Special Judge, Excise No. 1, Aurangabad in connection with Excise P.S. Case No. 797 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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