

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2198 of 2024

Arising Out of PS. Case No.-862 Year-2023 Thana- Excise P.S. District- Nawada

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1. Pawan Kumar Son of Binod Rajbanshi @ Vinod Rajbanshi R/o vill - Gajipur, P.s. - Govindpur, Distt. - Nawada
 2. Manoj Kumar Son of Suresh Yadav R/o vill - Kunj, P.S. - Roh, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with in connection with Excise P.S. Case No. 862 of 2023 registered for the offences punishable under Section 30(a) and 56(2)(II) of the Excise Act.

3. As per prosecution case, there was alleged recovery of total 144 litre beer from two motorcycles in question and both petitioners apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are in custody since 02.11.2023. Petitioner no.1 bears no criminal antecedent and petitioner no. 2 bears criminal



antecedent of two cases and orally submits that petitioner no.2 is on bail in the aforesaid cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners were apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 of Cr.P.C. He further submits that petitioners are quite innocent and have falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently 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 Court Excise Court-2, Nawada in connection with Excise P.S. Case No. 862 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)

vashudha/-

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