

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49916 of 2022**

Arising Out of PS. Case No.-702 Year-2022 Thana- KHAJANCHI HAT District- Purnia

1. BIBEK KUMAR @ VIVEK KUMAR Son of Arbind Kumar Singh Resident of Village - Korathbari , Renu Nagar, Ward no.16, P.S.- K. Hat, Distt.- Purnia.
2. Amar Kumar Son of late Ramesh Prasad Yadav Resident of Village - Argara Chowk, Ward no.2, P.S.- K. Hat (Madhubani), Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dr. Bidhu Ranjan  
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      23-09-2022                      Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with K. Hat (Madhubani) P.S. Case No. 702 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 151.700 liters foreign liquor from a Goods carrier van. It is further alleged that present petitioners are involved in trade of illicit liquor and they are apprehended on spot.



Learned counsel for the petitioners submits that petitioners are in custody since 15.07.2022. Petitioners bear no criminal antecedent. Learned counsel further submits that the petitioners are neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioners. The actual fact is that real culprits managed to flee away and the petitioners who had gone for morning walk have been falsely implicated in this case. The petitioners are innocent and have not committed any offence.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners 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 Judge, Excise, Purnia in connection with K. Hat (Madhubani) P.S. Case No. 702 of 2022, 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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