

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28763 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- ARARIA District- Araria

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BHUSHAN KUMAR Son of Shiv Shankar Ram R/O Ward No. 2, Shadul Chak, PS- Mahua, Dist-Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28816 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- ARARIA District- Araria

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RANJIT MAHTO @ LOTAN MAHTO SON OF GANESHI MAHTO
RESIDENT OF VILLAGE - MATHANA MILKI, P.S. - GORAUL, DISTT. -
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 28763 of 2023)

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

(In CRIMINAL MISCELLANEOUS No. 28816 of 2023)

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.Dinesh Singh (App

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners seek bail in connection with Araria
(R.S.) P.S. Case No. 47 of 2022 registered for the offences
punishable under Sections 30(a)/41 of the Bihar Prohibition and
Excise Amendment Act.



As per prosecution case, there is alleged recovery of 2645.625 liters foreign liquor from the truck in question. Names of present petitioners have been transpired on the basis of statement of co-accused Jane Alam.

Learned counsel for the petitioners submits that petitioner Bhushan Kumar is in custody since 12.03.2023 and petitioner Ranjit Mahto is in custody since 05.12.2022. Petitioner Bhushan Kumar bears no criminal antecedent and petitioner Ranjit Mahto bears three criminal antecedents of similar nature. Learned counsel further submits that petitioners are not apprehended on spot. Name of present petitioners have been transpired on the basis of apprehended co-accused person Jane Alam. Petitioners are innocent and have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners.

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, petitioners are not apprehended on spot, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner Bhushan Kumar be released on bail and petitioner



Ranjit Mahto alias Lotan Mahto be released on bail after framing of charge 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 – 1, Araria in connection with Araria (R.S.) P.S. Case No. 47 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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