

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29243 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. ROHIT YADAV@ ROHIT YADAV SON OF MANOJ YADAV R/O VILLAGE- SIHORWA, P.S.- YADAVPUR, DISTRICT- GOPALGANJ
2. SHUBHAM KUMAR @ SUBHAM KUMAR SON OF LAKSHMAN PRASAD R/O VILLAGE- SIHORWA, P.S.- YADAVPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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 Kuchaikot P.S. Case No. 97 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 138.920 litre foreign liquor from the motorcycle in question and petitioners are apprehended on spot.

Learned counsel for the petitioners submits that petitioner are in custody 26.02.2023 and bears no criminal antecedent. He further submits that petitioners are quiet



innocent and has falsely been implicated in this 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, 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) with two sureties of the like amount each to the satisfaction of Learned Additional Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj in connection with Kuchaikote P.S. Case No. 97 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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