

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26549 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

DEEPAK KUMAR S/o Sanjeev Kumar Suman R/o Village-Bihariganj, P.S.-
Bihariganj, Distt.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26923 of 2023

Arising Out of PS. Case No.-81 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

GAUTAM KUMAR MEHTA S/O JAY GOVIND MEHTA R/O Village-
Laxmipur, P.S- Bihariganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26549 of 2023)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 26923 of 2023)

For the Petitioner/s : Mr.Rupesh Kumar

For the Opposite Party/s : Mr.Parmanand Kumar

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
Jagdishpur (Bypass O.P.) P.S. Case No. 81 of 2023, G.R. No.
818 of 2023 registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act.



As per prosecution case, there is alleged recovery of 405 litre foreign liquor from Pick-up Bolero vehicle in question which was driven by petitioner namely Deepak Kumar. It is further alleged that 45 litre foreign liquor was also recovered from Bolero vehicle in question which was driven by petitioner namely Gautam Kumar Mehta and both petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged against them in FIR and they have falsely been implicated in the present case. He further submits that petitioner namely Deepak Kumar is in custody since 14.02.2023 and petitioner namely Gautam Kumar Mehta is in custody since 15.02.2023. It is further alleged that both petitioners bear no criminal antecedent. Seizure list has not been made as per the law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, 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 Excise Judge-I, Bhagalpur in connection with Jagdishpur (Bypass) P.S. Case No. 81 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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