

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37131 of 2023

Arising Out of PS. Case No.-460 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. NITESH KUMAR @ NITISH KUMAR Son of Sri Jagdish Mandal Resident of village - Mahua Bajar Baletha, P.S. - Basanahi, Distt. - Saharsa
2. Manish Kumar Son of Rajendra Sharma Resident of village - Baith Mushari, P.S. - Basanahi, Distt. - Saharsa
3. Vivek Kumar Son of Raju Mandal Resident of village - Brahmchari Tola, P.S. - Ghogha, Distt. - Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar 1

For the Opposite Party/s : Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Kahalgaon (Ghogha) P.S. Case No. 460/2023, G.R. No. 2070/2023 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 181.02 litres foreign liquor from the two Scorpio vehicles in question and petitioners are apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are in custody since 20.04.2023 and petitioner No. 1



bears criminal antecedent of one case of similar nature and petitioner no. 2 and 3 bear no criminal antecedent. He further submits that nothing has been recovered from conscious possession of the petitioners. There is no compliance of Section 100 of the Cr.P.C. Petitioners are innocent and have committed no offence as alleged in the F.I.R.

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, argument advanced on behalf of both sides and also taking into consideration the material available on record, let petitioner no. 2 and 3 be released on bail and the petitioner no. 1 be released on bail after framing of charge 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 Court of Exclusive Special Excise Judge-I, Bhagalpur, in connection with Kahalgaon (Ghogha) P.S Case No. 460/2023, G.R. No. 2070/2023 dated 18.04.2023, 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)

Nitin/Amit

U		T	
---	--	---	--

