

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35544 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- BAHADURGANJ District- Kishanganj

LOKESH KUMAR S/O ANIL KUMAR YADAV R/O Bara Ekma, Ward No.
11, P.S and Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

The petitioner seeks bail in connection with Special
Case No. 161 of 2023 arising out of Bahadurganj P.S. Case No.
80 of 2023 registered for the offences punishable under Sections
30(a) and 41 of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, total 132.765 liter illicit
liquor was recovered from Tata Safari in question.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.04.2023. Petitioner bears no
criminal antecedent. Learned counsel further submits that
petitioner is not named in the F.I.R. Being owner of the said
vehicle name of present petitioner has been transpired in the



present case. The petitioner has no knowledge regarding the alleged recovery. He was not present at the place of occurrence at the relevant time. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner 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 ADJ-II cum Special Judge (Excise)-I Kishanganj in connection with Special Case No. 161 of 2023 arising out of Bahadurganj P.S. Case No. 80 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) Petitioner 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 petitioner tampers 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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