

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37181 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. ANUP KUMAR YADAV S/O SUNIL KUMAR YADAV R/O Village- Mathwa, P.S- Kuchaikote, Distt.- Gopalganj.
2. Pradeep Kumar S/O Surendra Kumar Kushwaha R/O Village- Jogwaliya, P.S- Madhuban, Distt.- Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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 Phulwariya P.S. Case No. 92 of 2023 registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 734.400 litres foreign liquor from the truck in question. Apprehended co-accused Mantu Yadav and other disclosed the name of present petitioners who fled away from the place of occurrence.

Learned counsel for the petitioners submits that



petitioners are in custody since 31.03.2023 and bear criminal antecedent of one case which is not similar to the present case. He further submits that petitioners are not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioners. There is no compliance of Section 100 of Cr.P.C.

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, petitioners are not apprehended on spot, 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 II cum Special Judge Excise-1, Gopalganj in connection with Phulwariya P.S Case No. 92 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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