

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36852 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. BIPIN KUMAR SON OF SANJAY KUMAR VILLAGE LAWKADA PS RASRA, DISTRICT- BALLIA (UTTAR PRADESH)
2. MUKESH KUMAR Son of Girishchand Ram Resident of village- Amharp Patti Dakshin, Sikandar, Ps- Rasra, District- Ballia (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

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 Siwan Muffasil P.S. Case No. 241 of 2023 registered for the offences punishable under Section 30(a) 41(i) and 38(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 524.280 litre foreign liquor from the scorio in question and petitioners apprehended on spot.

Learned counsel for the petitioner submits that petitioners are in custody since 07.05.2023 and bear no criminal antecedent. He further submits that petitioners have nothing to



do with the alleged motorcycle as they were passing the road through the motorcycle and apprehended because they were just behind the vehicle in question from which the alleged recovery was made. He further submits that petitioners are neither owner nor driver of the vehicle in question. He further submits that nothing has been recovered from the conscious possession of the petitioners. He further submits that co-accused Sonu Kumar and Ravi Ranjan Kumar have already been granted bail vide Cr. Misc. No. 35199 of 2023 by a co-ordinate Bench of his Court and the case of present petitioners stand on similar footing.

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, co-accused has already been granted bail by a co-ordinate Bench of this Court, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge No. II, Siwan in connection with Siwan Muffasil P.S. Case No. 241 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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